

IN THE FOURTH DISTRICT COURT OF THE STATE  
OF UTAH, IN AND FOR UTAH COUNTY.

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PROVO RESERVOIR- COMPANY  
A CORPORATION--PLAINTIFF.

VS.

Provo City, Lincoln School District, The Provo Bench Canal & Irrigation Company, The Lake Bottom Canal Company, The Little Dry Creek Irrigation Company, The Upper East Union Irrigation Company, The Timpanogus Canal Company, The West Union Canal Company, The East River Bottom Water Company, Provo Pressed Brick Company, Utah-Idaho Sugar Company, Zion's Savings Bank & Trust Company, Spring Dell Resort Company, Wildwood Resort Company, South Fork Trout Company, Sego Irrigation Company, Knight Woolen Mills, Provo Ice & Cold Storage Company, Smoot Investment Company, E. J. Ward & Sons Company, Wasatch Irrigation Company, Timpanogus Irrigation Company, Extension Irrigation Company, North Field Irrigation Company (Reorganized), Midway Irrigation Company, Charleston Irrigation Company, Pioneer Irrigation Company, Sage Brush Irrigation Company, Spring Creek Ditch Irrigation Company, Sunrise Irrigation Company, South Kamas Irrigation Company, Washington Irrigation Company, Utah Power & Light Company, First Ward Pasture Company, Fort Field Irrigation Company, Heber Mercantile Company, Midway Waterworks Company, Stewart Ranch, Corporations.

Ruth Hatch and A. C. Hatch, as executors of the last will and testament of Abram Hatch, deceased.

Pauline Schemensky, Stephen Jones, F. T. Carter, Amos Carter, Permelia Young, D. G. Calder, J. E. Smith, Owen A. Baum, Joseph T. Carter, Edith R. Buss, Wilford Penrod, William Gammon, Abram L. Smith, A. L. Penrod, J. M. Buckner, T. J. Smith, W. F. Richins, B. F. Alger, Clara M. Stubbs, J. C. Ivie,

Ann Carter, Thomas Thornley, John H. Carter, D. W. Baum, Richard Carter, D. N. Greer, Leo Baum, D. N. Penrod, Leo E. Smith, B. W. Baum, A. L. Tanner, Eliza Carter, as administratrix of the estate of Aaron Carter, deceased; Cora A. Shirts, as administratrix of the estate of Benjamin Shirts, deceased; E. L. Dodder, J. W. Smith and Lettie York, jointly, as members of a voluntary association, not incorporated, under the name and style of the Smith Ditch Company, and also as individual tenants in common in the Smith Ditch and the right to the use of water therein.

James I. Meldrum, John E. Booth, George James, Merrill Holden, Louis James, Isaiah B. Lott, Benjamin E. Richmond, Joseph Faucett, Walter Lott, Ada J. Hickman, and Elmer Meldrum, jointly as members of a voluntary association, not incorporated, under the name and style of Faucett Field Ditch Company and individually as tenants in common in the Faucett Field Ditch and in the right to the use of waters flowing therein.

Upton Hoover, W. E. Hoover, Webster Hoover, and Frank Hoover, as partners, doing business under the name of Excelsior Roller Mills, George Baum, Hetty Young Goodman, L. W. Nuttall, David S. Park, Verinus Carter, Matilda A. Carter, R. G. Carter, John H. Carter Jr., H. E. Young, Mary Ann Emmons, Levi York, James M. Downs, James M. Bonny, Joseph Williamsen, Evan Williams, Mary E. Davis, Frederick J. Pulham, N. H. Greer, Albert Snyder, Maggie Pearl Brown, Emily E. Forsythe, Alma Brown, Charles H. Davis, J. Joseph Johnson, Marva May Spencer, Louisa J. Brown, Joseph M. Brown, Parley Lewis Jacobson, Alma J. Jorgensen, C. S. Rasmussen, Elizabeth A. Farrer, Ashted Taylor, Olive Smith, E. D. Partridge, Arthur C. Candland, Mattie C. Madsen, David H. Madsen, P. M. Madsen, Caroline H. Madsen, Parley W. Madsen, Wilhelmina Madsen, George H. Madsen, George A. Madsen, Alma J. Madsen, John W. Clark, LeRoy Dixon, George A. Clark, Minnie Hamilton, Robert Kinnear, John E. Neilson, John E. L. Nelson, Elizabeth Perry, John E. Lewis, John Ritchie, James Fisher, Anna T. Nelson, Rachel C. Terre, Daniel H. Halladay, Enoch S. Goddard, Henry W. Goddard, Hannah M. Cook, Hansina N. Jepperson, Rudolph Riard,

Ada Young Littley, D. B. McBride, Robert Cordner, Samuel Carter, David Carter, Lafayette Carter, R. D. Young, Mary E. Downs, John H. Emmons, William A. York, Esthma Tanner, Arthur Clyde, David Gourley, Isabell West, Hugh L. Syme, Mary A. Brown, Rachel E. Davis, E. V. Vincent, Wilmirth H. Brown, V. L. Bunnell, Lars Jacobson, as administrator of the estate of Lars Jacobson, deceased; James F. Clyde, Albert Jacobson, Sarah Z. Williams, Earl J. Glade, as administrator of the estate of James R. Glade, deceased; Robert Birkin, Arthur N. Taylor, Mathias Knudsen, Major Pierce, N. O. Spaulding, B. H. Knudsen, Reed J. Knudsen, Milton H. Knudsen, Andrew Knudsen, Herman Knudsen, W. D. Lewis, Sam E. Bunnell, Lewis Marriott, John D. Dixon, Ellen C. Johnson, George I. Taylor, Mary A. Cook, D. L. Vincent, Dominicus Snow, S. E. Perry, Franklin Spencer Jr., Mary E. Cox, Walter Cox, Isaac P. Nelson, James E. Fisher, George W. Halladay, Robert Boardman, John J. Massey, J. W. Bates, George T. Peay Sr., Samuel S. Bailey, Hannah C. Leonard, Edwin S. Hinckley, Charles Conrad, James R. Hooks, John W. Hoover, Daniel Peay, J. A. Spencer, Lucian N. Hinckley, Hyrum Heiselt, Charles Giles, Charles Thomas, W. W. Ercanbrack, Alexander Cordner, John H. Gordon, Rose Gordon, John H. Gordon Jr., James A. Loveless Jr., Joseph V. Smith, Henry V. Smith Jr., Henry V. Smith, James C. McClellan, John R. Stubbs, W. W. Ferguson, Peter Boyce, Charles H. Taylor, J. C. Whiting, Wilford Van Wagenen, Edward V. Vincent, administrator of the estate of Charles Vincent, deceased;

Heber City, Midway Town Corporation and Town of Charleston, acting as a voluntary association, not incorporated, and doing business under the name of Heber Light and Power Plant; Emma Wherritt, Joseph Hatch, Mary Davis, Jacob Berg, Frank Fraughton, Anton Olson, Andrew Olson, Mary A. Davis, John W. Carlile, Joseph Wright Murray, S. C. Peterson, James Duncan, Mary Ann White, as administratrix of the estate of Thomas White, deceased; William Lewis, John Swift, John Leffler, Abe Leffler, Henry Bisel, Abe Leffler Jr., Hyrum Moon, Millie Leffler, Mary A. White, Heber Moon, Frank Turnbow, Leslie Murphy, Benjamin Turnbow, Marshall Leffler, Louis Bisel, Nephi Moon,

William Moon, Henry Fraughton, Fleming Barrows, Frederick Peterson, Milton O. Turnbow, George Sizemore, William Sizemore, Charles Fraughton, Alvin Leffler, Mrs. Julia Potts, Lyman Gines, Riley Fitzgerald, Owen Ellis, Samuel Gines Jr., Esther Webb, Rasmus Larsen, Ola W. Larsen, Niels Larsen, William Larsen, Mims Lark, as administrator of the estate of William Lark, deceased; William Lemon, Mary Hunter, Jack Bates, Harold C. Best, C. T. Swan, Timothy M. Murphy, Julia M. Davis, Fannie E. O. Spencer, John Buttery, Joseph Morris, Waldemer H. Peterson, Mary Davis, Thomas S. Lowery, Samuel Lowery, Richard Wellington, George B. Jordon, Isaac R. Baum, John Burrows, Adolphus Sessions, Bishop Corbet, Mrs. Frances Page, John Bradshaw, Annie Jones, Mrs. Julia Padfield and Sons, Ernest Prescott, Alma Nielsen, Vincent Sheppard, William Sheppard, James Ure, Richard Lambert, B. H. Knudsen, George O. Ellis, James Leffler, Mary Pace, Ernest Turnbow, James A. Knight, Joseph Abegglen, Frederick Remund,

Mark Jeffs, George Nelson, E. R. Bronson, James B. Hamilton, Jesse Nelson Jr., Jesse Nelson, Orson Hicken, Alfred L. Alder, James T. Alder, W. W. Alder, J. M. Casper, James Casper, William N. Casper, George R. Carlile, Elisha Webster, J. E. Allen, John Allen, Arthur Allen, T. W. Allen, John H. Murdock of Charleston, Samuel McAfee, John M. Ritchie, Henry F. Watson, George Edwards; George Daybell, George W. Daybell, Fred Daybell and Robert Daybell, as partners, doing business under the firm name of George Daybell and Sons; William Daybell, Charles Tracker, Joseph R. Murdock, John O. Edwards, P. W. Edwards, John B. Powers and Elizabeth Fowers, as executors of the last will and testament of John Powers, deceased; George Edwards. Thomas Winterton, Joseph Wright, William Winterton, James L. Wright, Hyrum Winterton, William L. Van Wagoner, Phillip L. Ford, Effie Haws, John Sweifel, T. De Vera Smith, as administrator of the estate of Phillip L. Smith, deceased; Ulric Abegglen, Chris Mitchell, Felix Martin, J. E. Peterson, John Buhler, William Bonner, John Huber, John Kummer, Gottlieb Buchler, O. P. Mathews, Alice Schaer,

Henry Watkins, Nephi Huber, Joseph Huber, J. Brigham Wilson, Andreas Burgener, Frederick Forrer, D. A. Gibson, Jacob Kummer, David McGimpsey, Thomas Monks, Henry Zenger, Mary Schoni, Joseph Schoni, Maria Mitchell, Cordelia Wilson, George Wilson, James Wilson, George H. Prescott, Amos Prescott, Jed Prescott, Heber Prescott, Mrs. Thomas McNeil, Emily Prescott, Mrs. O. A. Page, B. G. Kirkham, Mrs. J. W. Kirkham, Thomas Naylor, Ernest H. Horton, Erminnie C. Cummings, Lavina E. Murdock, William T. Averett, Addison E. Averett, Joseph D. Averett, Eustatia Averett, John H. Averett, Edna A. Murdock, Leona A. Bonner, Rosina Kummer, Edward Kummer, John Kummer, Frederick Kummer, Elizabeth Hamilton, Salina Foreman, Henry T. Coleman, as administrator of the deceased; estate of Nathan Springer; C. A. Springer, Jane McD. Johnston, William Johnston, John A. Johnston, Henry T. Coleman, James Amicome, Johanna C. J. Anderson, Jacob A. Baum, Elmer Baum, Lafe Baum, A. M. Conrad, S. S. Cluff Jr., William Cluff, M. B. Cutler, Fred Davies, L. L. Donnon, Andrew Forsythe, Thomas J. Foote, Anna Glade, Herbert D. Jobb, Lars Jacobson, David Johnson, Lewis Jacobson, Reed J. Knudsen, Benjamin H. Knudsen, Daniel B. McBride, Brice McBride, Edwin A. Madsen, Alice Rambaud, Samuel Rieske, A. F. Snyder, Caleb Tanner, George Taylor Jr., Jane Williamsen, William C. Williamsen, Anna Elizabeth Abegglen, Barbara Buttery, John E. Berg, Christy Bisel, R. W. Barnes, E. L. Brown, Mary Hamilton Chambers, A. S. Carlile, Emily Cormack, Maggie Hamilton Campbell, Samuel Gines Sr., Abram Gines, Ellen Gines, Theodore Hamilton, David Hamilton, Vermont Hatch, Edwin Hatch, James A. Hamilton, William Hamilton, George A. Huntington, George R. Hardman, Alonzo A. Hicken, Neils J. Johnson, Mrs. Anna Lunceford, Heber Moon, John Murri, Levi M. North, Betsy Olson, John U. Probst, William L. Prescott, James Prescott, S. A. Peterson, James Pyper, Charles H. Rampton, John W. Stubbs, Darl Stringfellow, Harold Schear, George Schear, Polly W. Schear, William Winterton, Parley Gines, Rosel Leffler, George R. Hardman Jr., John T. Moon, I.E. Brockbank, administrator of the estate of John E. Booth, deceased, Emma Kummer Bond, administratrix of the estate of John Kummer, deceased, Christeen Fraughton, administratrix of the estate of Henry Fraughton, deceased; James Hamilton, administrator of the estate of James B. Hamilton, deceased; Dermont Huffacker, administrator of the estate of D. S. Huffacker, deceased; Defendants.

This cause came on regularly for trial, before the Court, sitting without a Jury, before the Hon., C. W. Morse, presiding, on the 6th day of June 1916, upon the complaint of Plaintiff, taken as confessed by the Defendants, J. R. Allen, John Burrows, Fleming Barrows, Peter Boyce, Sam. E. Bunnell, Robert Birkin, John W. Carlile, Bishop Corbet, Arthur Clyde, Mary A. Cook, George A. Clark, Samuel Carter, Robert Cordner, Arthur C. Candland, John W. Clark, LeRoy Dixon, Owen Ellis, Mary Ann Emmons, John H. Emmons, W. W. Ferguson, Emily E. Forsythe, Elizabeth A. Farrer, Henry W. Goddard, Edwin S. Hinckley, Lucian N. Hinckley, Orson Hicken, William Johnston, Mark Heffs, Jane McD. Johnston, Annie Jones, Frederick Kummer, Mathias Knudsen, Millie Leffler, Neils Larsen, Richard Lambert, Leslie Murphy, successor to George O. Ellis, Parley W. Madsen, George A. Madsen, Wilhelmina Madsen, James T. McClellan, sued as James C. McClellan, Mrs. Julia Padfield and Sons, Emily Prescott, Amos Prescott, Mrs. Frances Page, Daniel Peay, George T. Peay St., Major Pierce, C. A. Springer, T. DeVera Smith, as administrator of the estate of Phillip L. Smith, deceased; John Sweifel, George Sizemore, William Sizemore, Vincent Sheppard, William Sheppard, Adolphus Sessions, Joseph V. Smith, Henry V. Smith, N. O. Spaulding, John R. Stubbs, Charles Thacker, James Ure, Edward V. Vincent, administrator of the estate of Charles Vincent, deceased; D. L. Vincent, Richard Wellington, James L. Wright, William A. York, Levi York, H. E. Young, Arthur N. Taylor, John H. Gordon Jr., James R. Hooks, Lincoln School District, by reason of their failure to appear and plead or answer thereto within the time prescribed by law, and upon the answers and cross complaints and counter claims of the several Defendants.

A. C. Hatch; A. J. Evans; Jacob Evans; A. L. Booth; Thurman, Wedgwood & Irvine; and Wedgwood, Irvine & Thurman, appearing as counsel for the Plaintiff.

Jacob Coleman; E. E. Corfman; Mathonihah Thomas; J. B. Tucker; C. C. Richards; and Franklin S. Richards, appearing as counsel for the Defendant Provo City.

W. W. Ray; Grant C. Bagley; and Whitecotton & Dobbs for the Provo Bench Canal & Irrigation Company.

J. E. Booth, for the Defendants;  
The Lake Bottom Canal Company; West Union Canal Company;  
The East River Bottom Water Company; Wildwood Resort  
Company; Zion's Savings Bank & Trust Company.

E. E. Corfman, for the Defendants;  
The Little Dry Creek Irrigation Company; Spring Dell  
Resort Company; Fort Field Irrigation Company.

Young, Snow, Ashton & Young, for the Defendants;  
Utah-Idaho Sugar Company; Zion's Savings Bank & Trust  
Company.

E. E. Corfman; J. W. Robinson; Grant C. Bagley;  
and Harvey Cluff, for the Defendant;  
The Upper East Union Irrigation Company.

W. W. Ray; and Grant C. Bagley, for the Defendant;  
The Timpanogus Canal Company.

Harvey Cluff, for the Defendants;  
Provo Pressed Brick Company; South Fork Trout Company.

E. E. Corfman; and J. B. Tucker, for the Defendants;  
Knight Woolen Mills; Provo Ice & Cold Storage Company;  
First Ward Pasture Company; E. J. Ward & Sons Company.

J. B. Tucker; and Jacob Coleman, for the Defendant;  
Sego Irrigation Company.

E. E. Corfman; and Jacob Coleman, for the Defendant;  
Smoot Investment Company.

Thurman, Wedgwood & Irvine,  
and J. H. McDonald, for the Defendants;  
Wasatch Irrigation Company,  
Timpanogus Irrigation Company,  
Extension Irrigation Company,  
North Field Irrigation Company.

Morgan & Huffacker, and  
Charles J. Wahlquist, for the Defendant;  
Midway Irrigation Company.

Thurman, Wedgwood & Irvine; J. H. McDonald;  
William S. Willis,  
and W. W. Ray, for the Defendant;  
Charleston Irrigation Company.

King & Nibley, for the Defendant;  
Pioneer Irrigation Company.

Thurman, Wedgwood & Irvine;  
J. H. McDonald, and  
W. W. Ray, for the Defendants;  
Sage Brush Irrigation Company,  
Spring Creek Irrigation Company.

Charles J. Wahlquist, for the Defendants;  
Sunrise Irrigation Company,  
Midway Waterworks Company.

Mathonihah Thomas; and  
O. P. Soule, for the Defendants;  
South Kamas Irrigation Company,  
Washington Irrigation Company.

William S. Willis; and  
J. H. McDonald, for the Defendants;  
Heber City,  
Midway Town Corporation,  
Town of Charleston.

E. E. Corfman; Story & Steigmeyer; R. A. Wilbar;  
Pierce, Critchlow & Barrett; and  
John F. MacLane, for the Defendant;  
Utah Power & Light Company.

Thurman, Wedgwood & Irvine, for the Defendants;  
A. L. Tanner,  
Esthma Tanner.

E. A. Wedgwood, for the Defendant;  
Caleb Tanner.

Parker & Robinson, for the Defendant;  
John W. Hoover.

E. E. Corfman, for the Defendants;  
Upton Hoover; W. E. Hoover;  
Webster Hoover; Frank Hoover.

Harvey Cluff, for the Defendants;  
Benjamin B. Richmond; Alice Rambaud;  
Charles E. Giles; William Cluff;  
Charles W. Thomas; S.S. Cluff Jr.,  
Charles S. Conrad; J. A. Baum;  
W. W. Ercanbrack; Elmer Baum;  
James Amicome; A.M. Conrad;  
Hyrum S. Winterton; Lafe Baum.

J. E. Booth, for the Defendants;

William D. Lewis,  
Ida Y. Littley,  
Edwin A. Madsen,  
Caroline K. Madsen,  
Lewis W. Nuttall,  
Rudolph Riard,  
David S. Parks,  
F. T. Carter,  
Permelia Young,  
J. E. Smith,  
Joseph T. Carter,  
Wilford Penrod,  
Abram L. Smith,  
J. M. Buckner,  
W. F. Richins,  
Clara M. Stubbs,  
Ann Carter,  
John H. Carter,  
D. N. Greer,  
D. N. Penrod,  
D. W. Baum,  
E. L. Dodder,  
Lettie York,  
Thomas J. Foote,  
Hyrum Heiselt,  
Louis Jacobson,  
Annie Glade,  
Andrew Knudsen,  
R. G. Carter,  
R. D. Young,  
Verinus Carter,  
J. M. Downs,  
John E. Booth,  
Merrill Holden,  
Isaiah B. Lott,  
Walter Lott,  
Ada J. Hickman,  
Reed J. Knudsen,  
Lars Jacobson,  
Benjamin H. Knudsen,  
Eliza Carter Ashton, administratrix of the estate  
of Aaron Carter, deceased.  
Cora A. Shirts, administratrix of the estate of  
Benjamin Shirts, deceased.

B. W. Baum,  
Charles Madsen,  
W. W. Ercanbrack,  
Daniel B. McBride,  
Samuel Rieske,  
Pauline Schemensky,  
Stephen Jones,  
Amos Carter,  
D. G. Calder,  
Owen A. Baum,  
Edith R. Buss,  
William Gammon,  
A. L. Penrod,  
T. J. Smith,  
B. F. Alger,  
J. C. Ivie,  
Thomas Thornley,  
Richard Carter,  
Leo Baum,  
Leo E. Smith,  
A. L. Tanner,  
J. W. Smith,  
Branch Young Estate,  
Hetty Y. Goodwin,  
Albert Jacobson,  
Sarah Williams,  
Alma Jorgensen,  
John D. Dixon,  
David Carter,  
Lafayette Carter,  
Mary E. Downs,  
James L. Meldrum,  
George James,  
Louis James,  
Joseph Faucett,  
Benjamin B. Richmond,  
Elmer Meldrum,  
Louis Marriott,  
Isaac P. Nelson,  
William C. Williamson,

Allen T. Sanford, for the Defendants;

Branch Young,  
Ida Young Littley,  
Daniel B. McBride,  
David S. Parks,

Hetty Y. Goodwin,  
Rudolph Riard,  
Louis W. Nuttall,  
M. B. Cutler,  
Brice McBride.

J. H. McDonald, and

Charles J. Wahlquist, for the Defendant;  
Johanna C. J. Anderson.

J. H. McDonald, for the Defendants;

E. D. Partridge,  
Frederick J. Fulham,  
Henry V. Smith Jr.,  
George Taylor Jr.,  
Jane Williamson,  
N. H. Greer,  
J. Joseph Johnson,  
Charles H. Davies,  
James M. Bonny,  
D. W. Baum,  
Wilmerth H. Brown,  
Louisa J. Brown,  
James F. Clyde,  
Evan Williams,  
A. F. Snyder.

J. E. Smith,  
Olive Smith,  
Ashted Taylor,  
Isabell West,  
Andrew Forsythe,  
David Johnson,  
Stephen Jones,  
Mary E. Davis,  
Fred Davies,  
Maggie Pearl Brown,  
Joseph M. Brown,  
Mary A. Brown,  
E. V. Vincent,  
Hugh L. Syme,

Morgan & Huffacker, for the Defendants;  
Wilford Van Wagenen.

King & Nibley, for the Defendants;  
Arthur P. Allen, Samuel McAfee,  
John H. Murdock, J. W. Allen,  
T. W. Allen, Wilford D. Wright.

Chase Hatch, for the Defendants;  
Betsy Olson, Anton Olson,  
Thomas Lowery, Samuel Lowery,  
Nephi Huber, Jacob Huber,  
Edwin Hatch, Vermont Hatch,  
Abram C. Hatch, Minnesata A. Dodds,  
Jane H. Turner, Lacy H. Farnsworth,  
Joseph Hatch, George Schear,  
Ruth Hatch, John M. Huber, administrator  
of the estate of John Huber, deceased.

Jay H. Stockman, for the Defendant;  
Barbara E. Buttery.

Morgan & Huffacker, and  
Charles J. Wahlquist, for the Defendants;  
John U. Probst, Thomas Monks,  
Felix Martin, David McGimpsey,  
Orson P. Matthews, Gottlieb Buehler,  
Andreas Burgener, William Bonner,  
John U. Buehler, Henry T. Coleman,  
Frederick Forrer, Elizabeth Hamilton,  
Polly Schear, James Hamilton,  
J. Brigham Wilson, Heber Mercantile Company,  
John Huber, Harold Schear,  
George A. Huntington, Edward Kummer,  
Jacob Kummer, Frederick Remund,  
Emily Cormack, Stephen H. Smith,  
Nephi Huber, William L. Van Wagoner,  
Joseph Huber, Henry Watkins,  
David A. Gibson, Henry Zenger,  
James B. Hamilton, George Schear,  
Alice Schear, Henry T. Coleman, adminis-  
trator of the estate of Nathan C. Springer, deceased.  
Mary Schroni, Joseph Schroni and Maria Mitchell,  
heirs of Christian Schroni, deceased.  
Cordelia Wilson, George Wilson and James Wilson,  
heirs of George Wilson, deceased.  
Rosina Kummer, Edward Kummer, Elizabeth Hamilton and  
Salina Foreman, heirs of John Kummer, deceased.

J. H. McDonald, for the Defendants;  
Joseph Morris, George B. Jordon,  
John A. Johnston, Isaac R. Baum,  
Mary Davis, Phillip L. Ford,  
Levi M. North, Thomas Winterton.

Stewart, Stewart, and  
Alexander, for the Defendants;  
Harold C. Best, Charles H. Rampton,  
Stewart Ranch, a corporation.

Henry Shields, for the Defendants;  
John E. Berg, Julia M. Davis,

Charles J. Wahlquist for the defendants;

James A. Hamilton,  
Jennie Hamilton Summers,  
Ella Hamilton Snyder,  
Maggie Hamilton Campbell,  
Mrs. Anna Lunceford,  
David Hamilton,  
Neils J. Johnson,

William Hamilton,  
Jack Bates,  
Mary Hamilton Chambers,  
J.C. Whiting,  
Theodore Hamilton,  
Lovica Hamilton Snyder,

Mathoniah Thomas and Smith & McBroom for the defendant L.L. Donnon.

Thomas & Soule for the defendants;

S.A. Peterson,  
Fred A. Peterson,  
Hyrum Moon,  
William Moon,  
Nephi Moon,  
Christy Bisel,  
Henry Bisel,  
John D.F. Bradshaw,  
Charles L. Gines,  
Ellen Gines,  
James Duncan,  
Ernest H. Horton,  
James Leffler,  
John Swift,  
Ernest J. Prescott,  
Benjamin Turnbow,  
Mary A. White,  
Ola W. Larsen,  
James A. Knight,  
Rasmus Larsen,  
James Prescott,  
Abram Leffler, sued as Abe Leffler,  
George O. Ellis,  
Christeen Fraughton, administratrix of the estate of  
Henry Fraughton, deceased; Minns Lark, administrator  
of the estate of William Lark, deceased; Mary A. White,  
administratrix of the estate of Thomas White, deceased.  
Heber Moon,  
Parley Gines,  
John T. Moon

Mary Ann Moon White,  
Mary E. Pace,  
Heber Moon,  
Hettie J. Prescott Page,  
Martha E. McNeil,  
R.W. Barnes,  
Riley Fitzgerald,  
Abram Gines,  
Samuel Gines Jr.,  
Samuel Gines Sr.,  
George R. Hardman,  
William Lewis,  
Marshall Leffler,  
William L. Prescott,  
Julia Potts,  
Frank Turnbow,  
Milton O. Turnbow,  
William Lemon,  
Ether Webb,  
John Leffler,  
Abram Leffler Jr.,  
Henry Fraughton,  
Rosel Leffler,  
George R. Hardman Jr.,

William S. Willis for the defendants;

Eustatia Averett,  
Ulric Abegglen,  
Addison Averett,  
John H. Averett,  
E.R. Bronson,  
George R. Carlile,  
J.M. Casper,  
William Daybell,  
John O. Edwards,  
Ermina C. Cummings,  
Lavina E. Murdock,  
Leona A. Bonner,  
William Bonner,  
Joseph R. Murdock,  
George Nelson,  
John Kummer,  
J.E. Peterson,  
Emma Kummer Bond,

Alfred L. Alder,  
John D. Averett,  
William T. Averett,  
Joseph F. Abegglen,  
E.L. Brown,  
James Casper,  
William N. Casper,  
P.W. Edwards,  
George H. Edwards,  
Joseph Hatch,  
Edna A. Murdock,  
John B. Fowers,  
Chris Mitchel,  
Phillip L. Ford,  
Jesse Nelson,  
Jesse Nelson Jr.,  
Thomas Winterton,  
Elizabeth Hamilton,

James Pyper,	John M. Richie,
John W. Stubbs,	Elisha Webster,
<del>Harry</del> F. Watson,	William Winterton,
Mrs. E.L. Hanks,	T. Fred Winterton,
Hyrum S. Winterton,	Moroni Winterton,
W.D. Wright,	Ellen C. Wright,
Joseph S. Wright,	William H. Winterton,
William L. VanWagoner,	John H. Murdock,
John VanWagoner Jr.,	Emma Wheritt,
Felix Martin,	John U. Buhler,
Frederick Remund,	James T. Alder,
W.W. Alder,	George Daybell,
George W. Daybell,	Fred Daybell,
Robert Daybell,	John Murri,
Alonzo A. Hicken,	Hyrum Winterton,
John B. Fowers and Elizabeth Fowers, as executors of the last will and testament of John Fowers, deceased;	
Joseph E. Hanks, administrator of the estate of Mrs. E.L. Hanks, deceased;	
Dermont Huffacker, administrator of the estate of D.S. Huffacker, deceased;	
Emma Kummer Bond, administratrix of the estate of John Kummer, deceased;	
Anna Elizabeth Abegglen,	Earl Stringfellow.

And the Court having heard the evidence from time to time and considered the same and the records and files herein and the arguments of counsel, and having heretofore made and filed its findings of facts and conclusions of law in writing as above set forth and being fully advised in the premises and in all and singular the law having been full complied with, now, therefore, it is ordered considered and adjudged and decreed and the Court does hereby order consider and adjudge and decree:

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That, J.R. Allen, John Burrows, Flemming Barrows, Peter Boyce, Sam E. Bunnell, Robert Birkin, John W. Carlile, Bishop Corbet, Arthur Clyde, Mary A. Cook, George A. Clark, Samuel Carter, Robert Cordner, Arthur C. Candland, John W. Clark, LeRoy Dixon, Owen Ellis, Mary Ann Emmons, John H. Emmons, W.W. Ferguson, Emily E. Forsythe, Elizabeth A. Farrer, Henry W. Goddard, Edwin S. Hinckley, Lucian N. Hinckley, Orson Hicken, William Johnston, Mark Jeffs, Jane McD. Johnston, Annie Jones, Frederick Kummer, Mathias Knudsen, Millie Leffler, Neils Larsen, Richard Lambert, Leslie Murphy, successor to George O. Ellis, Parley W. Madsen, George A. Madsen, Wilhelmina Madsen, James F. McClellan, sued as James C. McClellan, Mrs. Julia Padfield & Sons, Amos Prescott, Mrs. Francis Page, Daniel Peay, George T. Peay Sr., Major Pierce, C.A. Springer, T. De Vera Smith, as administrator of the estate of Phillip L. Smith, deceased, John Sweifel, George Sizemore, William Sizemore, Vincent Sheppard, William Sheppard, Adolphus Sessions, Joseph V. Smith, Henry V. Smith, N.O. Spaulding, John R. Stubbs, Charles Thacker, James Ure, Edward V. Vincent administrator of the estate of Charles Vincent, deceased; D.L. Vincent, Richard Wellington, James L. Wright, William A. York, Levi York, H.E. Young, Arthur N. Taylor, John H. Gordon Jr., James R. Hooks, Lincoln School District; have and each of them has no right, title or interest whatever in or to the waters of Provo River or its tributaries, or any part or portion thereof, and are not entitled to divert or use or in any manner or at all interfere with the said waters.

That, under this decree, the Provo River System is subdivided into divisions, viz:

THE PROVO DIVISION, and

THE WASATCH DIVISION.

The Provo Division includes all that area below and including what is known as and commonly called the Wright Ranch, which is near the head of Provo Canyon, in Wasatch County, State of Utah.

The Wasatch Division includes all that area above what is known as and commonly called the Wright Ranch, and

That the Wasatch Division is subdivided into Districts, viz:

The First District,

The Second District, and

The Third District.

The First District includes that area of said division from and including what is known as and commonly called the Stewart Ranch down to the Hailstone Ranch, and

The Second District includes that area of said division from and including what is known as and commonly called the Hailstone Ranch down to and including what is known as the Midway Upper Dam, and

The Third District includes that area of said division from what is known as the Midway Upper Dam, down to what is known and commonly called the Wright Ranch.

The rights to the use of water in the PROVO DIVISION are herein subdivided according to dates of appropriation and as stipulated by the parties herein, and such subdivisions are designated Classes A, B, C, D, E, F, G, H, I, and J.

The rights to the use of water within the WASATCH DIVISION are herein subdivided according to dates of appropriation and as stipulated by the parties herein, and such subdivisions are designated Classes First (1st), Second (2nd), Third (3rd), Fourth (4th), Fifth (5th), Sixth (6th), Seventh (7th), Eighth (8th), Ninth (9th), Tenth (10th), Eleventh (11th), Twelfth (12th), Thirteenth (13th), Fourteenth (14th), Fifteenth (15th), Sixteenth (16th), Seventeenth (17th), Eighteenth (18th), Nineteenth (19th), Twentieth (20th), and "Wasatch Division Power Rights".

P R O V O   D I V I S I O N .

CLASS "A" RIGHTS.

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That all of the flow of Provo River, its tributaries, springs, seepage and percolating waters, appropriated by the defendants and the predecessors in interest of the plaintiff before May 12th, 1903, for the purposes of irrigation, domestic and municipal uses and for the generation of power, in the Provo Division, are herein denominated Class "A", and be and the same is hereby awarded to the following named parties; for the purposes of irrigation together with the number of acres of land and the duty of water per second foot upon said land, for the purposes of domestic and municipal uses and for the generation of power; in the quantities and for the periods hereinafter set forth:-

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PROVO CITY.

(A) 2,058.6 Acres of Farm Land.

From May 10th to June 20th, Duty 57,	36.12	second feet.
" June 20th to July 20th, " 63,	32.68	" "
" July 20th to May 10th, " 70,	29.41	" "

(b) 499.91 Acres of City Lots.

From May 10th to Sept. 1st, Duty 50,	10.00	second feet.
" Sept. 1st to May 10th, " 70,	7.14	" "

(c) 16.50 second feet, during the irrigation season of each and every year. Which water has heretofore been used for irrigation purposes by said City and for the generation of power by the Provo Ice & Cold Storage Company a corporation, E. J. Ward & Sons Company a corporation, Knight Woolen Mills a corporation, Smoot Investment Company a corporation, and Upton Hoover, W. E. Hoover, Webster Hoover and Frank Hoover as partners doing business under the name of Excelsior Roller Mills. And the said use for power purposes has been under license and grant from said Provo City and at such times and in such manner as has been made by mutual arrangements therefor.

(d) During the non-irrigating season of each and every year, subject to the rights of storing water at the several reservoirs of the plaintiff and defendants as hereinafter set forth, sufficient of the waters of Provo River to supply the necessities of Mill owners upon the Factory Race using water under license and grant from said City, not to exceed 65 second feet.

(e) Said defendant, Provo City, is the owner of, and has the right to collect by its pipe line and Waterworks System as now located and constructed in Provo Canyon, Utah County, Utah, and is entitled to divert into its said Waterworks System and to convey and use for domestic and municipal purposes at Provo City, Utah, and adjacent thereto, all of the waters of "South Guard Quarters Spring", which arises in a ravine above the flume line of the Utah Power & Light Company and below the ditch known as the Johnson ditch, situate in the southwest quarter section 33, in township 5 south of range 3 east of the Salt Lake Base and Meridian. Also all of the waters of all springs arising between the County Road as now located and used and the flume line of the Utah Power & Light Company and down from the County highway bridge crossing said river near the mouth of Bridal Veil Falls to the west line of the northeast quarter of section 5 in township 6 south of range 3 east of the Salt Lake Base and Meridian; excepting therefrom, however, all of the waters of all springs which flow into or rise in the Blue Cliff Canal and all of the waters of Maple or commonly called Yellow Jacket Spring.

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Timpanogus Canal Company, 847 Acres.

From May 10th to June 20th,	Duty 60,	14.12	Second Feet.
" June 20th to July 20th,	" 66,	12.83	Second feet.
" July 20th to May 10th,	" 75,	11.29	" "

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Provo Bench Canal &  
Irrigation Company, 4,332.53 Acres.

From May 10th to June 20th,	Duty 57,	76.01	second feet.
" June 20th to July 20th,	" 63,	68.77	" "
" July 20th to May 10th,	" 70,	61.89	" "

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Upper East Union  
Irrigation Company, 744.9 Acres.

From May 10th to June 20th,	Duty 57,	13.07	second feet.
" June 20th to July 20th,	" 63,	11.82	" "
" July 20th to May 10th,	" 70,	10.64	" "

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Little Dry Creek  
Irrigation Company, 506 Acres.

From May 10th to June 20th,	Duty 60,	8.43	second feet.
" June 20th to July 20th,	" 66,	7.67	" "
" July 20th to May 10th,	" 75,	6.75	" "

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First Ward Pasture  
Company, 147 Acres.

From May 10th to June 20th,	Duty 60,	2.45	second feet.
" June 20th to July 20th,	" 66,	2.23	" "
" July 20th to May 10th,	" 75,	1.96	" "

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East River Bottom  
Water Company, 361.72 Acres.

From May 10th to June 20th,	Duty 52,	6.96	second feet.
" June 20th to July 20th,	" 57,	6.35	" "
" July 20th to Sept. 1st,	" 65,	5.56	" "
" Sept. 1st to May 10th,	" 70,	5.17	" "

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Fort Field Irrigation  
Company, 574.28 Acres.

From May 10th to June 20th,	Duty 80,	7.18	second feet.
" June 20th to July 20th,	" 90,	6.38	" "
" July 20th to Sept. 1st,	" 100,	5.74	" "
" Sept. 1st to May 10th,	" 125,	4.59	" "

Lake Bottom Canal  
Company,

1,196 Acres.

From May 10th to June 20th,	Duty 80,	14.95	second feet.
" June 20th to July 20th,	" 90,	13.29	" "
" July 20th to Sept. 1st,	" 100,	11.96	" "
" Sept. 1st to May 10th,	" 125,	9.57	" "

Utah-Idaho Sugar Company,  
Through the Lake Bottom Canal, 54 Acres.

From May 10th to June 20th,	Duty 80,	0.67	second foot.
" June 20th to July 20th,	" 90,	0.60	" "
" July 20th to Sept. 1st,	" 100,	0.54	" "
" Sept. 1st to May 10th,	" 125,	0.43	" "

Also: Is entitled to the use from Spring Creek and Provo River through the Lake Bottom Canal, for the uses necessary in the processes of its Sugar Beet Slicing Plant as now located on its lands in section 2 and 3, township 7 south, range 2 east, Salt Lake Base and Meridian.

From the 15th day of September to the 15th day of January of the next succeeding year, 5.00 second feet.

Alma Jorgensen,  
Through the Lake Bottom Canal, 25.00 Acres.

From May 10th to June 20th,	Duty 80,	0.313	second foot.
" June 20th to July 20th,	" 90,	0.278	" "
" July 20th to Sept. 1st,	" 100,	0.250	" "
" Sept. 1st to May 10th,	" 125,	0.200	" "

West Union Canal Company, and

Pauline Schomensky,	Stephen Jones,	F. T. Carter,
Amos Carter,	Permolia Young,	D. G. Calder,
J. E. Smith,	Owen A. Baum,	Joseph T. Carter,
Edith R. Buss,	Wilford Penrod,	William Gammon,
Abram L. Smith,	A. L. Penrod,	J. M. Buckner,
T. J. Smith,	W. F. Richins,	B. F. Alger,
Clara M. Stubbs,	J. C. Ivie,	Ann Carter,
Thomas Thornley,	John H. Carter,	D. W. Baum,
Richard Carter,	D. N. Greer,	Leo Baum,
D. N. Penrod,	Leo E. Smith,	B. W. Baum,
A. L. Tanner,	E. L. Dodder,	J. W. Smith,
Lettie York,		

Eliza Carter Ashton, administratrix of the estate of Aaron Carter, deceased, and Herbert D. Jobb, substituted for Cora A. Shirts, administratrix of the estate of Benjamin Shirts, deceased, as members of a voluntary association, not incorporated, under the name and style of the SMITH DITCH COMPANY, and also as individual tenants in common in the Smith Ditch and the right to the use of water therein, to be diverted from Provo River through the West Union Canal.

Jointly and undivided:

1,820 Acres.

From May 10th to June 20th,	Duty 57,	31.93	second feet.
" June 20th to July 20th,	" 63,	28.89	" "
" July 20th to May 10th,	" 70,	26.00	" "

Carter Ditch Company.

John H. Carter, R. G. Carter, Amos Carter,  
David Carter, R. D. Young, Lafayette Carter,  
Verinus Carter, Mary E. Downs, J.M. Downs, and  
Eliza Carter Ashton, administratrix of the estate of  
Aaron Carter, deceased; as members of a voluntary associa-  
tion, not incorporated, under the name and style of the  
CARTER DITCH COMPANY, and also as individual tenants in  
common in the Carter Ditch and the right to the use of  
water therein, to be diverted from Provo River through the  
West Union Canal.

Jointly and undivided:

80.00 Acres.

From May 10th to June 20th, Duty	52,	1.54	second	feet.
" June 20th to July 20th, "	57,	1.40	"	"
" July 20th to Sept. 1st, "	65,	1.23	"	"
" Sept. 1st to May 10th, "	70,	1.14	"	"

Said quantities to be distributed with a proper sized  
irrigating stream; on rotation system.

Faucett Field Ditch Company.

James L. Meldrum, Ada J. Hickman, George James,  
Merrill Holden, Louis James, Isaiah B. Lott,  
Benjamin B. Richmond, Walter Lott, Joseph Faucett,  
Elmer Meldrum, and I. E. Brockbank, administrator of the  
estate of John E. Booth, deceased, as members of a  
voluntary association, not incorporated, under the name  
and style of the FAUCETT FIELD DITCH COMPANY, and also  
as individual tenants in common in the Faucett Field  
Ditches.

Jointly and undivided:

108.75 Acres.

From May 10th to June 20th, Duty	52,	2.09	second	feet.
" June 20th to July 20th, "	57,	1.91	"	"
" July 20th to Sept. 1st, "	65,	1.67	"	"
" Sept. 1st to May 10th, "	70,	1.55	"	"

Barton & Young Ditch.

Owned as tenants in common, and the right to the use of water  
therein by:

- (a) Brice McBride as the successor in interest and substituted  
for Rudolph Riard.

29.60 Acres.

From May 10th to June 20th, Duty	50,	0.592	second	foot.
" June 20th to July 20th, "	55,	0.538	"	"
" July 20th to Sept. 1st, "	63,	0.470	"	"
" Sept. 1st to May 10th, "	70,	0.423	"	"

- (b) Permelia Young, 16.77 Acres, and as the successor to the interests of the Branch Young estate.

From May 10th to June 20th,	Duty 50,	0.335	second foot.
" June 20th to July 20th,	" 55,	0.305	" "
" July 20th to Sept. 1st,	" 63,	0.266	" "
" Sept. 1st to May 10th,	" 70,	0.240	" "

- (c) Ida Young Littley, 5.00 Acres.

From May 10th to June 20th,	Duty 50,	0.100	second foot.
" June 20th to July 20th,	" 55,	0.091	" "
" July 20th to Sept. 1st,	" 63,	0.079	" "
" Sept. 1st to May 10th,	" 70,	0.071	" "

- (d) Hetty Y. Goodwin, 5.00 Acres.

From May 10th to June 20th,	Duty 50,	0.100	second foot.
" June 20th to July 20th,	" 55,	0.091	" "
" July 20th to Sept. 1st,	" 63,	0.079	" "
" Sept. 1st to May 10th,	" 70,	0.071	" "

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Park & Nuttall Ditch.

Owned as tenants in common, and the right to the use of water therein, by:

- (a) M. B. Cutler, successor to, and substituted for Lewis W. Nuttall.

21.60 Acres.

From May 10th to June 20th,	Duty 50,	0.432	second foot.
" June 20th to July 20th,	" 55,	0.393	" "
" July 20th to Sept. 1st,	" 63,	0.343	" "
" Sept. 1st to May 10th,	" 70,	0.309	" "

- (b) Daniel B. McBride, and as successor to Rudolph Riard.

14.60 Acres.

From May 10th to June 20th,	Duty 50,	0.292	second foot.
" June 20th to July 20th,	" 55,	0.265	" "
" July 20th to Sept. 1st,	" 63,	0.232	" "
" Sept. 1st to May 10th,	" 70,	0.209	" "

- (c) David S. Park, 44.60 Acres.

From May 10th to June 20th,	Duty 50,	0.892	second foot.
" June 20th to July 20th,	" 55,	0.811	" "
" July 20th to Sept. 1st,	" 63,	0.708	" "
" Sept. 1st to May 10th,	" 70,	0.637	" "

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City Creek Ditches.

As tenants in common in the right to the use of water from City Creek;

- (a) Lafe Baum, 7.50 Acres.

From May 10th to June 20th,	Duty 57,	0.134	second foot.
" June 20th to July 20th,	" 63,	0.119	" "
" July 20th to May 10th,	" 70,	0.107	" "

(b) Elmer Baum, 7.50 Acres.

From May 10th to June 20th, Duty 57,	0.134 second foot.
" June 20th to July 20th, " 63,	0.119 " "
" July 20th to May 10th, " 70,	0.107 " "

(c) S. S. Cluff Jr., 9.00 Acres.

From May 10th to June 20th, Duty 57,	0.158 second foot.
" June 20th to July 20th, " 63,	0.143 " "
" July 20th to May 10th, " 70,	0.129 " "

(d) Jacob A. Baum, 10.00 Acres.

From May 10th to June 20th, Duty 57,	0.175 second foot.
" June 20th to July 20th, " 63,	0.159 " "
" July 20th to May 10th, " 70,	0.143 " "

(e) James Amicome, 4.00 Acres.

From May 10th to June 20th, Duty 57,	0.070 second foot.
" June 20th to July 20th, " 63,	0.063 " "
" July 20th to May 10th, " 70,	0.057 " "

(f) William Cluff, successor to Benjamin B. Richmond.

17.00 Acres.

From May 10th to June 20th, Duty 52,	0.327 second foot.
" June 20th to July 20th, " 57,	0.298 " "
" July 20th to Sept. 1st, " 65,	0.262 " "
" Sept. 1st to May 10th, " 70,	0.243 " "

(g) Alice Rambaud, successor to Benjamin B. Richmond.

16.00 Acres.

From May 10th to June 20th, Duty 52,	0.308 second foot.
" June 20th to July 20th, " 57,	0.281 " "
" July 20th to Sept. 1st, " 65,	0.246 " "
" Sept. 1st to May 10th, " 70,	0.229 " "

(h) Henry V. Smith Jr., 5.50 Acres.

From May 10th to June 20th, Duty 50,	0.110 second foot.
" June 20th to July 20th, " 55,	0.100 " "
" July 20th to Sept. 1st, " 63,	0.087 " "
" Sept. 1st to May 10th, " 70,	0.079 " "

(i) Provo Pressed  
Brick Company. 40.00 Acres.

From May 10th to June 20th, Duty 57,	0.70 second foot.
" June 20th to July 20th, " 63,	0.64 " "
" July 20th to May 10th, " 70,	0.57 " "

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Thomas J. Foote. 11.00 Acres.

In section 25, township 6 south, range 2 east, Salt Lake Meridian.

From May 10th to June 20th, Duty 57,	0.193 second foot.
" June 20th to July 20th, " 63,	0.175 " "
" July 20th to May 10th, " 70,	0.157 " "

Of waters from a spring situate near said land.

Spring Creek.

As tenants in common in the right to the use of water from Spring Creek and Provo River, in Utah County, Utah.

(a) Amos Carter. 3.00 Acres.

From May 10th to June 20th, Duty 50,	0.060 second foot.
" June 20th to July 20th, " 55,	0.055 " "
" July 20th to Sept. 1st, " 63,	0.048 " "
" Sept. 1st to May 10th, " 70,	0.043 " "

(b) Lafayette Carter, 4.55 Acres.

From May 10th to June 20th, Duty 50,	0.091 second foot.
" June 20th to July 20th, " 55,	0.085 " "
" July 20th to Sept. 1st, " 63,	0.072 " "
" Sept. 1st to May 10th, " 70,	0.065 " "

(c) David Carter, 4.38 Acres.

From May 10th to June 20th, Duty 50,	0.088 second foot.
" June 20th to July 20th, " 55,	0.079 " "
" July 20th to Sept. 1st, " 63,	0.069 " "
" Sept. 1st to May 10th, " 70,	0.063 " "

(d) Eliza Carter Ashton, as successor to the estate of Aaron Carter. deceased,

9.52 Acres.

From May 10th to June 20th, Duty 50,	0.190 second foot.
" June 20th to July 20th, " 55,	0.173 " "
" July 20th to Sept. 1st, " 63,	0.151 " "
" Sept. 1st to May 10th, " 70,	0.135 " "

(e) A. L. Tanner, 30.00 Acres.

From May 10th to June 20th, Duty 50,	0.600 second foot.
" June 20th to July 20th, " 55,	0.545 " "
" July 20th to Sept. 1st, " 63,	0.476 " "
" Sept. 1st to May 10th, " 70,	0.429 " "

(f) Esthma Tanner. 55.67 Acres.

From May 10th to June 20th, Duty 50,	1.113 second feet.
" June 20th to July 20th, " 55,	1.012 " "
" July 20th to Sept. 1st, " 63,	0.884 " foot.
" Sept. 1st to May 10th, " 70,	0.795 " "

(g) James M. Bonny. 6.00 Acres.

From May 10th to June 20th, Duty 50,	0.120 second foot.
" June 20th to July 20th, " 55,	0.109 " "
" July 20th to Sept. 1st, " 63,	0.095 " "
" Sept. 1st to May 10th, " 70,	0.086 " "

(h) Jane Williamson, successor to Joseph Williamson.

8.88 Acres.

From May 10th to June 20th, Duty 50,	0.178 second foot.
" June 20th to July 20th, " 55,	0.161 " "
" July 20th to Sept. 1st, " 63,	0.141 " "
" Sept. 1st to May 10th, " 70,	0.127 " "

(i) Mary E. Davis, 12.05 Acres.

From May 10th to June 20th, Duty	50,	0.241	second foot.
" June 20th to July 20th, "	55,	0.219	" "
" July 20th to Sept. 1st, "	63,	0.191	" "
" Sept. 1st to May 10th, "	70,	0.172	" "

(j) James F. Clyde, 17.25 Acres.

From May 10th to June 20th, Duty	50,	0.345	second foot.
" June 20th to July 20th, "	55,	0.314	" "
" July 20th to Sept. 1st, "	63,	0.274	" "
" Sept. 1st to May 10th, "	70,	0.246	" "

(k) Evan Williams, 3.51 Acres.

From May 10th to June 20th, Duty	50,	0.070	second foot.
" June 20th to July 20th, "	55,	0.064	" "
" July 20th to Sept. 1st, "	63,	0.056	" "
" Sept. 1st to May 10th, "	70,	0.050	" "

(l) Frederick J. Pulham, 2.00 Acres.

From May 10th to June 20th, Duty	50,	0.040	second foot.
" June 20th to July 20th, "	55,	0.036	" "
" July 20th to Sept. 1st, "	63,	0.032	" "
" Sept. 1st to May 10th, "	70,	0.029	" "

(m) Hugh L. Syme, 11.00 Acres.

From May 10th to June 20th, Duty	50,	0.220	second foot.
" June 20th to July 20th, "	55,	0.200	" "
" July 20th to Sept. 1st, "	63,	0.175	" "
" Sept. 1st to May 10th, "	70,	0.157	" "

(n) N. H. Greer, 0.50 Acre.

From May 10th to June 20th, Duty	50,	0.010	second foot.
" June 20th to July 20th, "	55,	0.009	" "
" July 20th to Sept. 1st, "	63,	0.008	" "
" Sept. 1st to May 10th, "	70,	0.007	" "

(o) D. W. Baum, 8.00 Acres.

From May 10th to June 20th, Duty	50,	0.160	second foot.
" June 20th to July 20th, "	55,	0.146	" "
" July 20th to Sept. 1st, "	63,	0.127	" "
" Sept. 1st to May 10th, "	70,	0.114	" "

(p) Andrew Forsythe, 24.69 Acres.

From May 10th to June 20th, Duty	50,	0.494	second foot.
" June 20th to July 20th, "	55,	0.449	" "
" July 20th to Sept. 1st, "	63,	0.392	" "
" Sept. 1st to May 10th, "	70,	0.353	" "

(q) Stephen Jones, 6.65 Acres.

From May 10th to June 20th, Duty	50,	0.133	second foot.
" June 20th to July 20th, "	55,	0.121	" "
" July 20th to Sept. 1st, "	63,	0.106	" "
" Sept. 1st to May 10th, "	70,	0.095	" "

(r) Mary A. Brown, 13.12 Acres.

From May 10th to June 20th, Duty	50,	0.262	second foot.
" June 20th to July 20th, "	55,	0.238	" "
" July 20th to Sept. 1st, "	63,	0.208	" "
" Sept. 1st to May 10th, "	70,	0.187	" "

(s) A. F. Snyder, 10.42 Acres.

From May 10th to June 20th, Duty	50,	0.208	second foot.
" June 20th to July 20th, "	55,	0.189	" "
" July 20th to Sept. 1st, "	63,	0.165	" "
" Sept. 1st to May 10th, "	70,	0.149	" "

(t) Maggio Pearl Brown, 1.62 Acres.

From May 10th to June 20th, Duty	50,	0.032	second foot.
" June 20th to July 20th, "	55,	0.029	" "
" July 20th to Sept. 1st, "	63,	0.026	" "
" Sept. 1st to May 10th, "	70,	0.023	" "

(u) Wilmirth H. Brown, 2.45 Acres.

From May 10th to June 20th, Duty	50,	0.049	second foot.
" June 20th to July 20th, "	55,	0.045	" "
" July 20th to Sept. 1st, "	63,	0.039	" "
" Sept. 1st to May 10th, "	70,	0.035	" "

(v) Joseph M. Brown, 7.03 Acres.

From May 10th to June 20th, Duty	50,	0.141	second foot.
" June 20th to July 20th, "	55,	0.128	" "
" July 20th to Sept. 1st, "	63,	0.112	" "
" Sept. 1st to May 10th, "	70,	0.100	" "

(w) Charles H. Davis, 8.59 Acres.

From May 10th to June 20th, Duty	50,	0.172	second foot.
" June 20th to July 20th, "	55,	0.156	" "
" July 20th to Sept. 1st, "	63,	0.136	" "
" Sept. 1st to May 10th, "	70,	0.123	" "

(x) Fred Davies, 14.30 Acres.

From May 10th to June 20th, Duty	50,	0.286	second foot.
" June 20th to July 20th, "	55,	0.260	" "
" July 20th to Sept. 1st, "	63,	0.227	" "
" Sept. 1st to May 10th, "	70,	0.204	" "

(y) David Johnson, 7.30 Acres.

From May 10th to June 20th, Duty	50,	0.146	second foot.
" June 20th to July 20th, "	55,	0.133	" "
" July 20th to Sept. 1st, "	63,	0.116	" "
" Sept. 1st to May 10th, "	70,	0.104	" "

(z) Isabell West, and as successor to Szur Monson,

9.36 Acres.

From May 10th to June 20th, Duty	50,	0.187	second foot.
" June 20th to July 20th, "	55,	0.170	" "
" July 20th to Sept. 1st, "	63,	0.149	" "
" Sept. 1st to May 10th, "	70,	0.134	" "

(aa) J. Joseph Johnson. 4.85 Acres.

From May 10th to June 20th,	Duty 50,	0.097	second foot.
" June 20th to July 20th,	" 55,	0.088	" "
" July 20th to Sept. 1st,	" 63,	0.077	" "
" Sept. 1st to May 10th,	" 70,	0.069	" "

(ab) E. D. Partridge. 5.05 Acres.

From May 10th to June 20th,	Duty 50,	0.101	second foot.
" June 20th to July 20th,	" 55,	0.092	" "
" July 20th to Sept. 1st,	" 63,	0.080	" "
" Sept. 1st to May 10th,	" 70,	0.072	" "

(ac) Olive Smith. 5.00 Acres.

From May 10th to June 20th,	Duty 50,	0.100	second foot.
" June 20th to July 20th,	" 55,	0.091	" "
" July 20th to Sept. 1st,	" 63,	0.079	" "
" Sept. 1st to May 10th,	" 70,	0.071	" "

(ad) Ashted Taylor. 22.46 Acres.

From May 10th to June 20th,	Duty 50,	0.449	second foot.
" June 20th to July 20th,	" 55,	0.408	" "
" July 20th to Sept. 1st,	" 63,	0.356	" "
" Sept. 1st to May 10th,	" 70,	0.321	" "

(ae) George Taylor Jr., 10.19 Acres.

From May 10th to June 20th,	Duty 50,	0.204	second foot.
" June 20th to July 20th,	" 55,	0.185	" "
" July 20th to Sept. 1st,	" 63,	0.162	" "
" Sept. 1st to May 10th,	" 70,	0.146	" "

(af) E. V. Vincent. 10.00 Acres.

From May 10th to June 20th,	Duty 50,	0.200	second foot.
" June 20th to July 20th,	" 55,	0.182	" "
" July 20th to Sept. 1st,	" 63,	0.159	" "
" Sept. 1st to May 10th,	" 70,	0.143	" "

(ag) Louisa J. Brown. 7.50 Acres.

From May 10th to June 20th,	Duty 50,	0.150	second foot.
" June 20th to July 20th,	" 55,	0.136	" "
" July 20th to Sept. 1st,	" 63,	0.119	" "
" Sept. 1st to May 10th,	" 70,	0.107	" "

(ah) J. E. Smith. 5.00 Acres.

From May 10th to June 20th,	Duty 50,	0.100	second foot.
" June 20th to July 20th,	" 55,	0.091	" "
" July 20th to Sept. 1st,	" 63,	0.079	" "
" Sept. 1st to May 10th,	" 70,	0.071	" "

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That, the following parties are to be supplied from the waters arising below the Lake Bottom Canal, and whose lands lie below the lands irrigated by the Lake Bottom Canal, and on the north side of Provo River.

Reed J. Knudsen,	Louis Marriott,	Lars Jacobson,
Albert Jacobson,	Isaac P. Nelson,	William D. Lewis,
Benjamin H. Knudsen,	William C. Williamson,	Lewis Jacobson,

Jointly and undivided:

80.00 Acres.

From May 10th to June 20th, Duty 80,	1.00 second foot.
" June 20th to July 20th, " 90,	0.88 " "
" July 20th to Sept. 1st, " 100,	0.80 " "
" Sept. 1st to May 10th, " 125,	0.64 " "

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Jacobson Ditch:

That, the following parties are to be supplied from the waters arising in a slough in section 2, township 7 south, range 2 east, Salt Lake Meridian, and in the bed of Provo River, in said section, except the main channel carrying water to the canal of the Fort Field Irrigation Company.

Albert Jacobson, Louis Jacobson, Annie Glade,  
Sarah Williams, Zion's Savings Bank & Trust Company,  
Herbert D. Jobb, substituted for Cora A. Shirts.

Jointly and undivided:

63.00 Acres.

From May 10th to June 20th, Duty 80,	0.78 second foot.
" June 20th to July 20th, " 90,	0.70 " "
" July 20th to Sept. 1st, " 100,	0.63 " "
" Sept. 1st to May 10th, " 125,	0.50 " "

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Madsen Ditch:

Of waters arising in three springs situate near Lake View Depot, in the northeast quarter section 2, township 7 south, range 2 east, Salt Lake Meridian:

(a) Charles A. Madsen, 60.00 Acres.

From May 10th to June 20th, Duty 80,	0.750 second foot.
" June 20th to July 20th, " 90,	0.667 " "
" July 20th to Sept. 1st, " 100,	0.600 " "
" Sept. 1st to May 10th, " 125,	0.480 " "

(b) Edwin Madsen. 40.00 Acres.

From May 10th to June 20th, Duty 80,	0.500 second foot.
" June 20th to July 20th, " 90,	0.444 " "
" July 20th to Sept. 1st, " 100,	0.400 " "
" Sept. 1st to May 10th, " 125,	0.320 " "

(c) W. W. Ercanbrack, as successor in interest to D. H. Madsen, Mattie E. Madsen, and the estate of Brigham Madsen, deceased.

33.00 Acres.

From May 10th to June 20th, Duty 80,	0.412 second foot.
" June 20th to July 20th, " 90,	0.367 " "
" July 20th to Sept. 1st, " 100,	0.330 " "
" Sept. 1st to May 10th, " 125,	0.264 " "

Andrew Knudsen, 66.00 Acres.

In section 4 and 9, township 7 south, range 2 east,  
Salt Lake Meridian.

Of the waters arising in Provo River below the Fort  
Field Dam.

From May 10th to June 20th, Duty 80,	0.82 second foot.
" June 20th to July 20th, " 90,	0.73 " "
" July 20th to Sept. 1st, " 100,	0.66 " "
" Sept. 1st to May 10th, " 125,	0.528 " "

Provo Canyon Rights.

(a) Johanna C. J. Anderson, 30.00 Acres.

From January 1st to December 31st, Duty 60, 0.50 second foot.

From Deer Creek, a tributary of Provo River, to be used on  
lands now owned by her that lie along said Creek.

(b) Charles S. Conrad, and A. M. Conrad.

As co-partners and as successors in interest to C. S. Conrad,  
and J. R. Hooks.

104 Acres.

From January 1st to December 31st, Duty 60, 1.73 second feet.

From South Fork Creek, a tributary of Provo River, to be used  
upon the lands now owned by them and that lie along said Creek.

(c) L. L. Donnon.

From January 1st to December 31st.

For the irrigation of one acre of land, 0.017 second foot.

Also: for the irrigation and sprinkling  
of four acres of lawn,..... 0.080 second foot.

Also: All the waters of those certain springs arising on the  
north half of the southeast quarter of section 34, township 5  
south, range 3 east, Salt Lake Base and Meridian, for the  
purposes of fish culture, the same, after being applied to such  
use, to be by him returned into the Provo River.

(d) W. W. Ercanbrack.

22.00 Acres.

As the successor in interest of the South Fork Cattle Company,

From January 1st to December 31st, Duty 60, 0.367 second foot.

From South Fork Creek, a tributary of Provo River, to be used  
upon the lands now owned by him and that lie along said Creek.

(e) Hyrum Heiselt.

From January 1st to December 31st.

For the irrigation of two acres of land, Duty 60, 0.033  
second foot.

From Provo River, and to be used upon the lands now owned by him and that lie along said river.

Also: Is the owner and entitled to the use of a spring on his premises known as the "Heiselt House Spring", and a spring on his premises known as the "Big Pipe Spring", and is the owner and entitled to the use of one-half of the flow of what is known as the "Joint Spring", situate on the "Steele Farm".

(f) John W. Hoover.

From January 1st to December 31st.

For the irrigation of 14 acres of land, situate near the head of Provo Canyon and that lie along Provo River, Duty 60, 0.233 second foot which shall consist of the water from a small spring on his premises and heretofore used by him and sufficient water from the river which when added to the spring water to make up the said quantity.

ALSO: One-tenth of the flowing waters of what is commonly known as "Enoch Spring" and "Little Spring", not to exceed 0.17 second foot,

(g) Spring Dell Resort Company.

From January 1st to December 31st.

Is entitled to the use of one second foot of the flowing waters of what is known as the "Spring Dell Spring" arising on the premises of said defendant in Provo Canyon, to be used for culinary and domestic purposes, and said water to be used upon, and only upon, the said premises.

(h) South Fork Trout Company.

From January 1st to December 31st.

As the successor in interest to George J. Duke.

For the irrigation of 30 acres of land, Duty 60, .50 second foot.

ALSO. Is entitled to the use of all of the waters of those certain springs commonly known as the Ellen, Pine Bug and Rhoda Springs, arising on the lands now owned by said company lying along the South Fork and of ten second feet of the flowing waters of the South Fork, all of said waters to be used for the purpose of fish culture and to be diverted from said springs and said Fork of the Provo River into lakes or ponds and runs and hatcheries, the same after being applied to such use to be returned to the natural channel of said South Fork.

(i) Charles W. Thomas, and Charles E. Giles.

As co-partners, and successors in interest to Edward C. Mechem.  
**From January 1st to December 31st.**

For the irrigation of 40 acres of land, situate in the South Fork of Provo Canyon, and that lie along South Fork Creek, Duty 60, 0.67 second foot, which shall consist of the water from a small spring on their premises and heretofore used by them and sufficient water from the said Creek which when added to the Spring water to make up the said quantity.

(j) Wildwood Resort Company.

Successor to George I. Taylor.

From January 1st to December 31st.

For the irrigation of 16.00 acres of land, near the mouth of the North Fork of Provo Canyon, Duty 60, 0.27 second foot, from the North Fork Creek, a tributary of Provo River, and to be used upon the lands now owned by it that lie along said creek.

ALSO: All the waters of a certain spring arising near its premises, for the purposes of fish culture, the same, after being applied to such use, to be by it returned into Provo River.

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John D. Dixon.

From January 1st to December 31st.

As successor in interest to J. H. Snyder, Joshua J. Mecham, John W. Hoover, and Hyrum Heiselt to 2.80 second feet of water which was appropriated upon lands in Provo Canyon, the place of use and the point of diversion having been changed and the said water is now being used upon lands below the mouth of Provo Canyon, and the point of diversion from Provo River is now at and near the mouth of Provo Canyon, Utah County, Utah, and said use may be continued and the quantity to which the said defendant is entitled at his said point of diversion, at and near the mouth of Provo Canyon, is 2.52 second feet, the same being of the transferred water rights referred to in subdivision (a) paragraph 33, hereof.

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John C. Whiting.

Successor in interest to Joseph R. Murdock as administrator of the estate of William Wright, deceased, from January 1st to a time in each year not earlier than June 15th and not later than June 30th, when the plaintiff the Provo Reservoir Company, elects to release the waters stored by it in its reservoir near the head of the Provo River into said river, said defendant John C. Whiting is entitled to:

- (a) One second foot of water from Provo River.
- (b) Nine-tenths of the waters arising in what is commonly known as "Enoch Spring" and "Little Spring", arising upon the lands formerly owned by William Wright, deceased.
- (c) And to, 3.467 second feet of the waters of Round Valley Creek.

ALSO: Said defendant John C. Whiting, from a time in each year not earlier than June 15th and not later than June 30th, when the plaintiff the Provo Reservoir Company elects to release the waters stored by it in its reservoir near the head of the Provo River into said river, to December 31st of that year, is entitled to 0.033 second foot of the waters of Round Valley Creek for the irrigation of two acres of land.

AND ALSO: Said defendant John C. Whiting, as successor in interest to John Hartle, is the owner and entitled to the use, from January 1st to December 31st of each year, to 0.092 second foot of the waters of Round Valley Creek, for the irrigation of 5.5 acres of land, to be used by said defendant upon the lands that lie along Round Valley Creek and formerly owned by John Hartle.

Caleb Tanner.

As successor in interest to Charles H. Taylor.

18.00 acres.

To be diverted through the Provo Bench Canal.

From January 1st to December 31st, 0.25 second foot.

Esthma Tanner.

That seepage and spring water accumulating and arising upon her land, and collected by her in the drainage system laid upon said land situated about five miles from the mouth of Provo Canyon, and she is entitled to discharge said water into Provo River and to take from said river an equal amount at the intake of the Provo Bench Canal, so long, and so long only, as the requirements of the users of water from Provo River diverting the same at points below the point of discharge of such drainage water in the said river are not supplied from seepage water, but require the turning down of water from the main flow of the river; and the said Esthma Tanner is entitled to take from said river at the said intake of the Provo Bench Canal, such quantity of water only as is required to be turned down for such lower diversions not exceeding, however, the quantity of water discharged by her into the river from said drainage system.

Provo Pressed Brick Company.

Under application to the State Engineer of the State of Utah, number 1221, bearing date of February 28, 1907, and under the certificate of the said Engineer issued pursuant to said application number 109 B, bearing date of February 19th, 1913, is entitled to use for the generation of power at its Brick plant as at present located in section 36, township 6 south, range 2 east, Salt Lake Base and Meridian; the waters not to exceed 100 second feet herein awarded to and used by the defendant Provo City and Mill owners using water under lease and grant from said city and which is used through and from the distributing channels known as the Factory Race, City Race, and Tanner Race.

After such use by the said defendant Provo Pressed Brick Company the same is to be returned to the distributing channels aforesaid, and must be so used as to not substantially interfere with the natural flow of such water and thus cause substantial fluctuations in the flow thereof, and said defendant must utilize and use such waters without substantial diminution in quantity or any deterioration in quality, and said use is an additional use of waters hereinbefore denominated in paragraph 3, and awarded in paragraph 4, and that such use by said defendant is subject to and shall not interfere with the use of said waters by Provo City.

Utah Power & Light Company.

From January 1st to December 31st of each and every year.

- (a) The Utah Power & Light Company, as the successor in interest to the rights of the Telluride Power Company, and the Telluride Power & Transmission Company, has the right to divert from Provo River by its dam built across said river in section 34, township 5 south, range 3 east, Salt Lake Base and Meridian, and convey through its flume and pipe line extending from said dam to its power generating station situated in the northeast quarter of section 7, township 6 south, range 3 east, Salt Lake Base and Meridian at or near the mouth of Provo Canyon in Utah County, Utah, 229 second feet of water, to be used for the generation of power. The said defendant, the Utah Power & Light Company, in order to divert and use said quantity of water, has the right and is entitled to divert and use all of the flow of said river at said dam and diversion works as now located, except the storage water, the waters diverted from the Weber River, herein-after set out, tunnel water, and transferred water rights that have the right to pass said dam at any stage of flow at or below the quantity above specified, and in making such diversion of said waters, the said defendant has the right to reconstruct or improve said dam or to build a new dam at the present location of said dam.
- (b) To use through its flume for the generation of power the waters of Lost Creek, not exceeding 6.41 second feet thereof, also the waters of Bridal Veil Falls, not exceeding 4.11 second feet thereof, and,
- (c) To use for irrigation and domestic purposes the waters of Johnson or North Guardquarters Springs, not exceeding 0.8 second foot thereof.
- (d) That all of such waters so awarded to and used by the said defendant Utah Power & Light Company for the generation of power, must be so used as to not substantially interfere with the natural flow of such water and thus cause substantial fluctuations in the flow thereof, and said defendant must utilize and use such waters without substantial diminution in quantity or any deterioration in quality.
- (e) Of the flowing waters from the mouth of the "Ontario Drain Tunnel" in Wasatch County, Utah, one-half thereof, after deducting five and one-half second feet, that is:  
Flow from Ontario Drain Tunnel -5.5 second feet.

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And has the right to comingle the same with the waters of Provo River and use for the generation of power and for other purposes, or to use for the generation of power and lease or grant the use of the same for irrigation and other beneficial purposes.

Provo Reservoir Company.

That subject to the rights of John C. Whiting, as set forth in paragraph 29 hereof, excepting the 0.092 second foot received by him as successor to John Hartle, the Provo Reservoir Company as successor in interest to Joseph R. Murdock administrator of the estate of William Wright, deceased, is entitled to and has the right to the following:

- (a) To nine-tenths of the waters arising in what is commonly known as "Enoch Spring" and "Little Spring", arising from the lands formerly owned by William Wright, deceased, the same to be turned from said springs into Provo River; and recaptured, after deducting ten per cent, by said company, from said river through its canal at the Heiselt Dam.
- (b) To, of the flowing waters of Round Valley Creek, not to exceed 3.467 second feet to be combined with the waters of said Provo River; and recaptured, after deducting ten per cent, by said company, from said river through its canal at the Heiselt Dam.
- (c) To 0.90 second foot of the flowing waters of Provo River, and is entitled to divert the same from the river through its canal at the Heiselt Dam, the aforesaid volume being ninety per cent of an original appropriation for the irrigation of certain lands of said William Wright, deceased, and the place of use of which had been transferred to the irrigation of lands under the Provo Reservoir Canal and with "a" and "b" of this paragraph are of the transferred water rights referred to in subdivision (a) paragraph 33, hereof.

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Provo Reservoir Company:

As the successor in interest to the rights of the Blue Cliff Canal Company, a corporation heretofore and now existing under the laws of the State of Utah, to fifty second feet from January 1st to December 31st of each year, which said 50.00 second feet consists of the waters of "Maple" or commonly called "Yellow Jacket Spring", "Pony Steele Springs" excepting one-half of the "Joint Spring" and all other springs originally arising in or discharging their waters into the Blue Cliff Canal, and sufficient water from Provo River which when added to the spring water will aggregate the said 50.00 second feet.

The point of diversion of all of said waters shall be at the location of the present headgate of the present Provo Bench Canal, which is below the tailrace of the Utah Power & Light Company's present Olmstead Hydro-electric Plant, or at such other point or points as will not interfere with the use of the river portion of said water by the Utah Power & Light Company through its said Olmstead Plant as at present located.

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CLASSES "B", "C", "D", "E", "F", "G", "H", "I", AND "J",

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The plaintiff and the defendants that appropriate water under applications approved by the State Engineer of the State of Utah, and that appropriate water under certificates of completion of appropriation issued by the said State Engineer, are hereinafter denominated, and the waters to which each of said parties are awarded is as follows:

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The plaintiff and the defendants in this cause having reservoirs in Wasatch and Summit Counties, that appropriate and store water under applications approved by the State Engineer of the State of Utah, and that appropriate and store water under certificates of completion of appropriation issued by the said State Engineer have the right and are entitled to store in said reservoirs all the water that can be stored in them between September 15th and April 15th of the succeeding year.

CLASS "B" RIGHTS.

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Provo Reservoir Company:  
Sego Irrigation Company:

The waters of the Provo Reservoir Company and the Sego Irrigation Company, under application to the State Engineer of the State of Utah, number 442, bearing date of August 22, 1905, are herein denominated Class "B", and the quantities of water to which the said parties are awarded is as follows:

(a) Provo Reservoir Company:

The plaintiff the Provo Reservoir Company, as a successor in interest of the Timpanogus Irrigation Company, under application to the State Engineer of the State of Utah, number 442, bearing date of August 22, 1905, for 8500 acre feet of water, is entitled to 12/28 of said water and water right, and is entitled to complete said appropriation and make final proof thereof:

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended as long as said application is in good standing in said State Engineer's office, the said plaintiff is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application according to its priority of right and the priority of rights fixed herein:

And, upon and after the completion of said appropriation, the said plaintiff is entitled to said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer, according to the priority of right of said certificate and the priority of rights fixed herein.

Provided, however, that the priority and quantity of this appropriation is conditioned upon compliance with the terms of the application upon which said appropriation is based, to-wit: Application No. 442 filed in the office of the State Engineer of Utah, and the same is subject to the provisions of the laws of the State of Utah governing the issuance of certificates of completion of appropriation by said State Engineer.

(b) Sego Irrigation Company:

The defendant the Sego Irrigation Company, as a successor in interest of the Timpanogus Irrigation Company, under application to the State Engineer of the State of Utah, number 442, bearing date of August 22, 1905, for 8500 acre feet of water, is entitled to 2/28 of said water and water right, and is entitled to complete said appropriation and make final proof thereof:

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended as long as said application is in good standing in said State Engineer's office, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application according to its priority of right and the priority of rights fixed herein:

And, upon and after the completion of said appropriation the said defendant is entitled to said water or such portion thereof, as may be available from year to year and time to time, under the terms of the certificate of completion of appropriation issued by the said State Engineer, according to the priority of right of said certificate and the priority of rights fixed herein:

Provided, however, that the priority and quantity of this appropriation is conditioned upon compliance with the terms of the application upon which said appropriation is based, to-wit: Application No. 442 filed in the office of the State Engineer of Utah, and the same is subject to the provisions of the laws of the State of Utah governing the issuance of certificates of completion of appropriation by said State Engineer.

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CLASS "C" RIGHTS.

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Provo Reservoir Company:  
Sego Irrigation Company:

The water of the Provo Reservoir Company and the Sego Irrigation Company, under application to the State Engineer of the State of Utah, number 944, bearing date of June 12, 1906, are herein denominated Class "C", and the quantities of water to which the said parties are awarded is as follows:

(a) Provo Reservoir Company:

The plaintiff the Provo Reservoir Company as a successor in interest of the Timpanogus Irrigation Company, under application to the State Engineer of the State of Utah, number 944, bearing date of June 12, 1906, for 7500 acre feet of water from Shingle Creek, and Beaver Creek a tributary of the Weber River hereinbefore referred to, is entitled to 26/28 of said water and water right, and is entitled to complete said appropriation and make final proof thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended, as long as said application is in good standing in said State Engineer's office, the said plaintiff is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application;

And, upon and after the completion of said appropriation the said plaintiff is entitled to said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer;

Provided, however, that the priority and quantity of this appropriation is conditioned upon compliance with the terms of the application upon which said appropriation is based, to-wit: Application No. 944 filed in the office of the State Engineer of Utah, and the same is subject to the provisions of the laws of the State of Utah governing the issuance of certificates of completion of appropriation by said State Engineer.

(b) Sego Irrigation Company:

The defendant the Sego Irrigation Company, as a successor in interest of the Timpanogus Irrigation Company, under application to the State Engineer of the State of Utah, number 944, bearing date of June 12, 1906, for 7500 acre feet of water from Shingle Creek, and Beaver Creek a tributary of the Weber River, hereinbefore referred to, is entitled to 2/28 of said water and water right, and is entitled to complete said appropriation and make final proof thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended, as long as said application is in good standing in said State Engineer's office, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application;

And, upon and after the completion of said appropriation, the said defendant is entitled to said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer;

Provided, however, that the priority and quantity of this appropriation is conditioned upon compliance with the terms of the application upon which said appropriation is based, to-wit: Application No. 944 filed in the office of the State Engineer of Utah, and the same is subject to the provisions of the laws of the State of Utah governing the issuance of certificates of completion of appropriation by said State Engineer.

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#### CLASS "D" RIGHTS.

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Provo Reservoir Company:

The waters under application to the State Engineer of the State of Utah, number 1828, bearing date of April 16, 1908, are herein denominated Class "D", and;

The plaintiff the Provo Reservoir Company, under application to the State Engineer of the State of Utah, number 1828, bearing date of April 16, 1908, for 150 second feet of the waters of Provo River for irrigation purposes, is entitled to said water and water right, and is entitled to complete said appropriation and make final proof thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended, as long as said application is in good standing in said State Engineer's office, the said plaintiff is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application according to its priority of right and the priority of rights fixed herein;

And, upon and after the completion of said appropriation, the said plaintiff is entitled to said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer, according to the priority of right of said certificate and the priority of rights fixed herein;

Provided, however, that the priority and quantity of this appropriation is conditioned upon compliance with the terms of the application upon which said appropriation is based, to-wit: Application No. 1828 filed in the office of the State Engineer of Utah, and the same is subject to the provisions of the laws of the State of Utah governing the issuance of certificates of completion of appropriation by said State Engineer.

CLASS "E" RIGHTS.

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Provo Reservoir Company:

The waters under application to the State Engineer of the State of Utah, number 1847, bearing date of April 29, 1908, are herein denominated Class "E", and;

The plaintiff the Provo Reservoir Company, under application to the State Engineer of the State of Utah, number 1847, bearing date of April 29, 1908, for 100 second feet of water from Beaver Creek a tributary of the Weber River, hereinbefore referred to, is entitled to said water and water right, and is entitled to complete said appropriation and make final proof thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended, as long as said application is in good standing in said State Engineer's office, the said plaintiff is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application;

And, upon and after the completion of said appropriation, the said plaintiff is entitled to said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer;

Provided, however, that the priority and quantity of this appropriation is conditioned upon compliance with the terms of the application upon which said appropriation is based, to-wit: Application No. 1847 filed in the office of the State Engineer of Utah, and the same is subject to the provisions of the laws of the State of Utah governing the issuance of certificates of completion of appropriation by said State Engineer.

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CLASS "F" RIGHTS.

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Provo Reservoir Company:

The waters under applications numbers 2077, 2077 A, 2077 B, 2077 C, 2077 D, 2077 E, 2077 F, 2077 G, 2077 H, 2077 I, 2077 J, 2077 K, 2077 L, 2077 M, 2077 N, 2077 O, 2077 P, and 2077 Q, bearing date of September 15, 1908, are herein denominated Class "F", and;

The Provo Reservoir Company, under application to the State Engineer of the State of Utah, bearing date of September 15, 1908, number 2077 for 316.6 acre feet of water.

"	2077 A	for	824.1	acre	feet	of	water,
"	2077 B	"	421.1	"	"	"	"
"	2077 C	"	166.5	"	"	"	"
"	2077 D	"	227.5	"	"	"	"
"	2077 E	"	1460.0	"	"	"	"
"	2077 F	"	280.8	"	"	"	"
"	2077 G	"	398.2	"	"	"	"
"	2077 H	"	313.9	"	"	"	"
"	2077 I	"	175.9	"	"	"	"
"	2077 J	"	124.9	"	"	"	"
"	2077 K	"	173.0	"	"	"	"
"	2077 L	"	471.9	"	"	"	"

number 2077 M for 209.0 acre feet of water.

" 2077 N " 230.0 " " " "

" 2077 O " 1650.0 " " " "

" 2077 P " 820.6 " " " "

" 2077 Q " 1650.0 " " " "

is entitled to said water and water right, and is entitled to complete said appropriations and make final proof thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriations as the same may have been or may hereafter be extended, as long as said applications are in good standing in said State Engineer's office, the said Provo Reservoir Company, is entitled to the said water or such portion thereof as may be available from year to year and time to time, under said applications, according to their priority of right and the priority of rights fixed herein;

And, upon and after the completion of said appropriations the said Provo Reservoir Company is entitled to said water or such portion thereof as may be available from year to year and time to time under the terms of the certificates of completion of appropriations issued by the said State Engineer, according to the priority of right of said certificates and the priority of rights fixed herein;

Provided, however, that the priority and quantity of this appropriation is conditioned upon compliance with the terms of the application upon which said appropriation is based, to-wit: Application No. 2077, 2077 A, 2077 B, 2077 C, 2077 D, 2077 E, 2077 F, 2077 G, 2077 H, 2077 I, 2077 J, 2077 K, 2077 L, 2077 M, 2077 N, 2077 O, 2077 P, and 2077 Q, filed in the office of the State Engineer of Utah, and the same is subject to the provisions of the laws of the State of Utah governing the issuance of certificates of completion of appropriation by said State Engineer.

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#### CLASS "G" RIGHTS.

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John D. Dixon:

The waters under application to the State Engineer of the State of Utah, number 2134, bearing date of October 27, 1908, are herein denominated Class "G", and;

The defendant John D. Dixon, under application to the State Engineer of the State of Utah, number 2134, bearing date of October 27, 1908, for 10 second feet of waters of Provo River for irrigation purposes, is entitled to said water and water right, and is entitled to complete said appropriation and make final proof thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended, as long as said application is in good standing in said State Engineer's office, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application according to its priority of right and the priority of rights fixed herein;

And, upon and after the completion of said appropriation, the said defendant is entitled to said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer, according to the priority of right of said certificate and the priority of rights fixed herein;

Provided, however, that the priority and quantity of this appropriation is conditioned upon compliance with the terms of the application upon which said appropriation is based, to-wit: Application No. 2134 filed in the office of the State Engineer of Utah, and the same is subject to the provisions of the laws of the State of Utah governing the issuance of certificates of completion of appropriation by said State Engineer.

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#### CLASS "H" RIGHTS.

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Sego Irrigation Company:

The waters under application to the State Engineer of the State of Utah, number 2575, bearing date of July 15, 1909, are herein denominated Class "H", and;

The defendant the Sego Irrigation Company, as the successor in interest to C. E. Loose and James Clove, under application number 2575, bearing date of July 15, 1909, for ten second feet of the waters of Provo River, for irrigation purposes, is entitled to said water and water right and is entitled to complete said appropriation and make final proof thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended, as long as said application is in good standing in said State Engineer's office, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application according to its priority of right and the priority of rights fixed herein;

And, upon and after the completion of said appropriation, the said defendant is entitled to said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer, according to the priority of right of said certificate and the priority of rights fixed herein;

Provided, however, that the priority and quantity of this appropriation is conditioned upon compliance with the terms of the application upon which said appropriation is based, to-wit: Application No. 2575 filed in the office of the State Engineer of Utah, and the same is subject to the provisions of the laws of the State of Utah governing the issuance of certificates of completion of appropriation by said State Engineer.

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#### CLASS "I" RIGHTS.

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Samuel Rieske:

The waters under application to the State Engineer of the State of Utah, numbers 2623 and 2624, bearing date of August 7, 1909, are herein denominated Class "I", and;

(a) The defendant Samuel Rieske, as successor in interest to John H. McDwan, under application to the State Engineer of the State of Utah, number 2623, bearing date of August 7, 1909, for two second

feet of water for irrigation purposes, and having completed said appropriation and made final proof thereof and received from the said State Engineer on the 20th, day of July 1916, the certificate of completion of appropriation for 1.27 second feet of water, is awarded said 1.27 second feet of water or such portion thereof as may be available from year to year and time to time under the terms of the said certificate of completion, and according to the priority of right of said certificate and the priority of rights fixed herein.

(b) The defendant Samuel Rieske, as successor in interest to John H. McEwan, under application to the State Engineer of the State of Utah, number 2624, bearing date of August 7, 1909, for two second feet of water for irrigation purposes, and having completed said appropriation and made final proof thereof, and received from the said State Engineer on the 20th, day of July 1916, the certificate of completion of appropriation for 0.66 second foot of water, is awarded said 0.66 second foot of water or such portion thereof as may be available from year to year and time to time under the terms of said certificate of completion, and according to the priority of right of said certificate and the priority of rights fixed herein.

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CLASS "F" RIGHTS.

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L. L. Donnon:

The waters under application to the State Engineer of the State of Utah, number 4978, bearing date of December 23, 1912, are herein denominated Class "J", and;

The defendant L. L. Donnon, under application to the State Engineer of the State of Utah, number 4978, bearing date of December 23, 1912, for 20 second feet of the waters of Provo River for power purposes, is entitled to said water and water right and is entitled to complete said appropriation and make final proof thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended, as long as said application is in good standing in said State Engineer's office, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application, according to its priority of right and the priority of rights fixed herein;

And, upon and after the completion of said appropriation, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer, according to the priority of right of said certificate and the priority of rights fixed herein;

Provided, however, that the priority and quantity of this appropriation is conditioned upon compliance with the terms of the application upon which said appropriation is based, to-wit: Application No. 4978 filed in the office of the State Engineer of Utah, and the same is subject to the provisions of the laws of the State of Utah governing the issuance of certificates of completion of appropriation by said State Engineer.

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W A S A T C H   D I V I S I O N .

First and Second Districts.

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That the parties to this cause having stipulated the rights to the use of waters of Provo River and its tributaries in the First and Second Districts of the Wasatch Division, and having provided therein that the rights in said districts shall be decreed as stipulated, and conforming thereto, it is ordered, adjudged and decreed that all of the flow of Provo River, its tributaries, springs, seepage and percolating waters, appropriated by the defendants and their predecessors in interest, and the waters of the Ontario Drain Tunnel; for the purposes of irrigation, domestic and municipal use, in the First and Second Districts of the Wasatch Division, which each of said parties are the owners of the right to the use are as follows:

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That the parties to this action, hereinafter in this paragraph named, by themselves and their predecessors in interest having appropriated of the waters of said river and its tributaries, in and prior to the year 1885, and the defendants hereto having the right to waters of the Ontario Drain Tunnel; are herein denominated the First Class, and the same is herein awarded to and decreed as follows:

N-A-M-E.		April 15th to Sept. 15th Second Feet.	Sept. 15th to April 15th Second Feet.
(a)	Wasatch Irrigation Company,	41.267	35.371
(b)	North Field Irrigation Company,	35.714	35.714
(c)	South Kamas Irrigation Company,	17.500	15.000
(d)	Sunrise Irrigation Company,	4.000	3.428
(e)	Stewart Ranch, and as successor to J. D. Jones and R. L. Jones,	1.000	1.000
(f)	Utah Power & Light Company, and as successor to William H. Walker Jr.,	0.286	0.286
(g)	Isaac R. Baum, and as successor to W. H. Walker,	1.743	1.743
(h)	R. W. Barnes, successor to George O. Ellis,	1.000	1.000
(i)	Jack Bates,	0.214	0.214

	April 15th to Sept. 15th Second Feet.	Sept. 15th to April 15th Second Feet.
N-A-M-E.		
(j) John E. Berg, as the successor in interest and substituted for Julia M. Davis,	0.300	0.300
(k) Christy Bisel, successor to Robert Mitchie,	0.029	0.029
(l) Henry Bisel,	0.014	0.014
(m) John D. F. Bradshaw, successor to Isaac Hunter,	0.500	0.500
(n) Barbara Buttrey, successor in interest to John Buttrey,	0.200	0.200
(o) A. S. Carlile, successor to Mary A. White, administratrix of the estate of Thomas White, deceased,	0.571	0.571
(p) Mary Davis,	0.714	0.714
(q) James Duncan,	0.357	0.357
(r) Phillip L. Ford, to be taken from river at Upper Midway Dam,	1.000	0.857
(s) Riley Fitzgerald, and as successor to George O. Ellis; from Provo River from Bridge Hollow	0.657 1.143	0.657 1.143
(t) Christeen Fraughton, administratrix of the estate of Henry Fraughton, deceased, and successor to Marshall Leffler,	0.018	0.018
(u) Samuel Gines Sr.,	0.814	0.814
(v) Ellen Gines, successor to Samuel Gines Sr.,	0.571	0.571
(w) Samuel Gines Jr., successor to G. O. Ellis, and Samuel Gines Sr.,	0.514	0.514
(x) Charles L. Gines, sued as Lyman Gines, successor to J. M. Reed, T. L. Larsen, and William Reed,	1.143	1.143
(y) Abram Gines, successor to M. O. Turnbow,	0.143	0.143
(z) Edwin Hatch and Vermont Hatch, as successors in interest to Abram Hatch, and substituted for Ruth Hatch and Abram C. Hatch, administrators of the estate of Abram Hatch, deceased,	0.786	0.786
(aa) George R. Hardman, successor to Robert Mitchie,	0.171	0.171
(ab) Ernest H. Horton, successor to John Benson,	0.571	0.571

	April 15th to Sept. 15th Second Feet.	Sept. 15th to April 15th Second Feet.
N-A-M-E.		
(ac) John A. Johnston, to be taken from River at Upper Midway Dam,	1.500	1.286
(ad) George B. Jordan,	0.500	0.500
(ae) James A. Knight, successor to Henry Fraughton and J. J. Jenkins, From Provo River, From Bridge Hollow,	3.429 0.429	3.429 0.429
(af) William Lemon, successor to John O. Driscoll,	0.571	0.571
(ag) Ola W. Larsen, successor to Joseph Ketchum,	1.286	1.286
(ah) Rasmus Larsen, successor to Daniel Simpers,	0.857	0.857
(ai) William Lewis, successor to T. A. White and E. B. Leffler Jr.,	0.300	0.300
(aj) Minns Lark, as administrator of the estate of William Lark, deceased,	0.571	0.571
(ak) Abram Leffler, sued as Abe Leffler,	0.071	0.071
Aal) John Leffler, and as successor to E. B. Leffler,	0.161	0.161
(am) James Leffler, successor to T. P. Potts,	0.050	0.043
(an) Marshall Leffler, successor to Henry Bisel and Woodland School District,	0.043	0.043
(ao) Martha E. McNeil, and as successor to Charles Murphy, William Reed, William Prescott and Robert Mitchie,	0.329	0.329
(ap) Joseph Morris,	1.857	1.857
(aq) Nephi Moon,	0.057	0.057
(ar) William Moon,	0.100	0.100
(as) Heber Moon,	0.006	0.006
(at) Hyrum Moon,	0.100	0.100
(au) Levi M. North, successor to Ed. Dillon,	0.500	0.500
(av) Hettie J. Prescott Page,	0.143	0.143
(aw) Mary E. Pace, successor to Thomas P. Potts,	0.583	0.500

	April 15th to Sept. 15th Second Feet.	Sept. 15th to April 15th Second Feet.
N-A-M-E.		
(ax) Fred A. Peterson, successor to Eldora Rose and P. F. Bowers,	0.300	0.300
(ay) S. A. Peterson,	0.286	0.286
(az) Ernest J. Prescott,	0.214	0.214
(ba) Emily Prescott and Martha E. McNeil, as successors of Isaac Hunter, successor of William L. Prescott,	0.357	0.357
(bb) Julia Potts, successor to John M. Reed,	0.043	0.043
(bc) James Prescott, successor to W. R. Smith,	0.143	0.143
(bd) Charles H. Rampton, substituted for Harold C. Best, successor to John Swift	0.286	0.286
(be) John Swift, and as successor to Mary A. Moon,	0.071	0.071
(bf) Benjamin Turnbow, successor to Mary A. Moon,	0.014	0.014
(bg) Frank Turnbow, successor to William Moon,	0.014	0.014
(bh) Milton O. Turnbow,	0.161	0.161
(bi) Ether Webb, successor to Daniel Mitchell,	0.714	0.714
(bj) Mary Ann Moon White, successor to Mary A. Moon,	0.493	0.493
(bk) Mary A. White,	0.067	0.067
(bk-1) Parley Gines, successor to G. O. Ellis,	0.071	0.071
(bk-2) Rosel Leffler, successor to Mary Ann Moon,	0.011	0.011
(bk-3) George R. Hardman Jr., successor to Ephraim Lambert,	0.018	0.018
(bk-4) John T. Moon,	0.014	0.014
(bl) Charleston Irrigation Company, through its Upper Canal,	12.000	10.286
And in the period of July 5th to September 15th, said waters to be measured at said defendants land.		

	Sept. 15th	April 15th	July 5th
	to	to	to
N-A-M-E.	April 15th	July 5th	Sept. 15th
	Second Feet.	Second Feet.	Second Feet.

(bm)	Spring Creek Irrigation Company,	10.286	12.000	14.400
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And that in the period of July 5th to September 15th said waters to be measured at the measuring weir of said defendants canal as now located west of the Rio Grande Western Depot at Heber City, Utah, and that no additional quantity shall be allowed for losses in canal.

(bn) Midway Irrigation Company, and

William Bonner,	Andreas Buehler,
John U. Buehler,	Gotlieb Buehler,
Henry T. Coleman,	Frederick Forrer,
David A. Gibson,	George A. Huntington,
Jacob Kummer,	Orson P. Matthews,
Felix Martin,	Thomas Monks,
David McGimpsey,	John U. Probst,
Frederick Remond,	Polly W. Schear,
William L. Van Wagoner,	Henry Watkins,
J. Brigham Wilson,	Henry Zenger,

Henry T. Coleman, administrator of the estate of Nathan Springer, deceased;  
Heber Mercantile Company, a corporation,  
James Hamilton, administrator of the estate of James B. Hamilton, deceased;  
James A. Hamilton, William Hamilton, Ella Hamilton Snyder, Jennie Hamilton Summers, Lovica Hamilton Snyder, Mary Hamilton Chambers, Maggie Hamilton Campbell, Theodore Hamilton, and David Hamilton, successors in interest to the estate of James B. Hamilton, deceased;  
Rosina Kummer, Edward Kummer, Elizabeth Hamilton, and Salina Foreman, successors in interest to John Kummer, deceased;  
Mrs. Anna Luncford, successor to Stephen H. Smith, deceased;  
Harold Schear and Emily Cormack, successors to Alice Schear, deceased;  
Mary Schroni, Joseph Schroni and Maria Mitchell, successors to Christian Schroni, deceased; and Cordelia Wilson, George Wilson and James Wilson, successors to George Wilson, deceased; whose waters the said Midway Irrigation Company controls and distributes;

Jointly and undivided:

From April 15th to September 15th.

- (I) As a prior right in and to the waters of the Ontario Drain Tunnel, five and one-half second feet, to be measured at the Midway Upper Dam.
- (II) The waters of Snake Creek, Pine Creek, and springs tributary to Snake Creek, except two second feet of the "Gerber Spring", and springs heretofore used by them, not to exceed 52.82 second feet.

- (III) And 2.50 second feet of the waters of Provo River to be diverted at the Midway Upper Dam, or such portion thereof, which when added to (I) and (II), aforesaid, will aggregate 58.32 second feet, for the irrigation of their joint lands of 3,499 acres, that is a quantity not to exceed one second foot per 60 acres of said land.

From September 15th to April 15th.

- (IV) As a prior right in and to the waters of the Ontario Drain Tunnel, five and one-half second feet, to be measured at the Midway Upper Dam.
- (V) The waters of Snake Creek, Pine Creek, and springs tributary to Snake Creek, except two second feet of the "Gerber Spring", and springs heretofore used by them, not to exceed 44.49 second feet, and
- (VI) Two and one-half second feet of the waters of Provo River, to be diverted at the Midway Upper Dam, or such portion thereof, which when added to (IV) and (V), aforesaid, will aggregate 49.99 second feet, that is a quantity not to exceed one second foot per seventy acres of said land.

- (bo) The Midway Waterworks Company.

From January 1st to December 31st.

Two second feet of the waters of "Gerber Spring", a tributary of Snake Creek which is a tributary of Provo River, situate in the southeast quarter section 21, township 3 south, range 4 east, Salt Lake Base and Meridian, for domestic and municipal uses and for other beneficial purposes.

- (bp) Thomas Lowery and Samuel Lowery,  
successors to B.A. Norris.

From January 1st to December 31st.

0.214 second foot from Provo River, and of the waters of Norris Spring arising upon and adjacent to their land, situated in section 6, township 3 south, range 5 east, Salt Lake Base and Meridian, sufficient water to aggregate 0.850 second foot, for the irrigation of 59.5 acres of land.

- (bq) Nephi Huber and Joseph Huber.

Jointly and undivided:

26.00 Acres.

In section 21, township 3 south, range 4 east, Salt Lake Meridian.

Of the waters of Snake Creek, and springs tributary thereto and heretofore used by said defendants.

From April 15th to September 15th, 0.433 second foot.

From September 15th to April 15th, 0.371 second foot.

(br) George Schear, as successor to Alice Schear.

10.00 Acres.

In section 22, township 3 south, range 4 east, Salt Lake Meridian.  
Of the waters of Snake Creek.

From April 15th to September 15th, 0.167 second foot.  
From September 15th to April 15th, 0.143 " "

(bs) John M. Huber, administrator of the estate of John Huber, deceased.

44.00 Acres.

In section 21, township 3 south, range 4 east, Salt Lake Meridian.  
Of the waters of Snake Creek.

From April 15th to September 15th, 0.733 second foot.  
From September 15th to April 15th, 0.629 " "

(bt) Elizabeth Hamilton, successor to and substituted for Emma Kummer Bond, administratrix of the estate of John Kummer, deceased.

6.00 Acres.

In section 2, township 4 south, range 4 east, Salt Lake Meridian.  
Of the waters of Snake Creek, and through the Midway Lower Town Ditch.

From April 15th to September 15th, 0.100 second foot.  
From September 15th to April 15th, 0.086 " "

(bu) Joseph Hatch, 23.00 Acres.

Twenty acres in N. E. 1/4 section 5, township 4 south, range 5 east, Salt Lake Meridian, and one acre in S. W. 1/4 section 31, township 3 south, range 5 east, Salt Lake Meridian, and Lots 3 and 4, Block 78, of Heber City, Utah.

As a tenant in common in the Wasatch Canal and the right to the use of waters therein, to be diverted from Provo River through the said Wasatch Canal.

From April 15th to September 15th, 0.383 second foot.  
From September 15th to April 15th, 0.329 " "

(bv) Emma Wherritt, 1.00 Acre.

Lot 2, Block 94, of Heber City, Utah.

As a tenant in common in the Wasatch Canal, and the right to the use of waters therein, to be diverted from Provo River, through the said Wasatch Canal.

From April 15th to September 15th, 0.017 second foot.  
From September 15th to April 15th, 0.014 " "

It is further ordered, adjudged and decreed that whenever the waters flowing in said river and the canals of the parties in the First and Second Districts of the Wasatch Division, exclusive of storage waters, Ontario Drain Tunnel waters, and the waters diverted from the Weber River water-shed, exceed in volume the aggregate quantity of water hereinbefore awarded to and decreed to the parties of the First Class, that the parties to this action hereinafter in this paragraph named, by themselves and their predecessors in interest having appropriated of such excess, and herein denominated the Second Class, and the same is herein awarded to and decreed as follows:

N-A-M-E.		April 15th to Sept. 15th Second Feet.	Sept. 15th to April 15th Second Feet.
(a)	South Kamas Irrigation Company,	10.833	9.286
(b)	Stewart Ranch, and as successor to John Jones,	0.357	0.357
(c)	Christeen Fraughton, administratrix of the estate of Henry Fraughton, deceased, and successor to Marshall Leffler,	0.225	0.225

It is further ordered, adjudged and decreed, that whenever the waters flowing in said river and the canals of the parties in the First and Second Districts of the Wasatch Division, exclusive of storage waters, Ontario Drain Tunnel waters, and the waters diverted from the Weber River watershed, exceed in volume the aggregate quantity of water hereinbefore awarded to and decreed to the parties of the First and Second Classes, that the parties to this action hereinafter in this paragraph named, by themselves and their predecessors in interest having appropriated of such excess, and herein denominated the Third Class, and the same is herein awarded to and decreed as follows:

N-A-M-E.		April 15th to Sept. 15th Second Feet.	Sept. 15th to April 15th Second Feet.
(a)	Stewart Ranch, and as successor to Emil Sackerson,	0.833	0.714
(b)	Jack Bates,	0.214	0.214
(c)	George B. Jordan,	0.429	0.429

It is further ordered, adjudged and decreed, that whenever the waters flowing in said river and the canals of the parties, in the First and Second Districts of the Wasatch Division, exclusive of storage waters, Ontario Drain Tunnel waters, and the waters diverted from the Weber River watershed, exceed in volume the aggregate quantity of water hereinbefore awarded to and decreed to the parties of the First, Second, and Third Classes, that the party to this action hereinafter in this paragraph named, by herself and her predecessors in interest having appropriated of such excess, and herein denominated the Fourth Class, and the same is herein awarded to and decreed as follows:

	April 15th to Sept. 15th Second Feet.	Sept. 15th to April 15th Second Feet.
N-A-M-E.		
Barbara Buttrey, successor in interest to John Buttrey,	0.229	0.229

It is further ordered, adjudged and decreed, that whenever the waters flowing in said river and the canals of the parties, in the First and Second Districts of the Wasatch Division, exclusive of storage waters, Ontario Drain Tunnel waters, and the waters diverted from the Weber River watershed, exceed in volume the aggregate quantity of water hereinbefore awarded to and decreed to the parties of the First, Second, Third, and Fourth Classes, that the parties to this action hereinafter in this paragraph named, by themselves and their predecessors in interest having appropriated of such excess, and herein denominated the Fifth Class, and the same is herein awarded to and decreed as follows:

	April 15th to Sept. 15th Second Feet.	Sept. 15th to April 15th Second Feet.
N-A-M-E.		
(a) Washington Irrigation Company,	21.033	18.028
(b) Stewart Ranch, and as successor to Carl H. Wilkins and William Paul,	1.007	0.900
(c) Jack Bates,	0.357	0.357
(d) Ola W. Larsen, successor to Joseph Ketchum,	0.543	0.543
(e) Rasmus Larsen, successor to Daniel Simpers,	2.000	2.000
(f) Martha E. McNeil, and as successor to Charles Murphy, William Reed, William Prescott and Robert Mitchie	0.186	0.186

It is further ordered, adjudged and decreed, that whenever the waters flowing in said river and the canals of the parties, in the First and Second Districts of the Wasatch Division, exclusive of storage waters, Ontario Drain Tunnel waters, and the waters diverted from the Weber River watershed, exceed in volume the aggregate quantity of water hereinbefore awarded to and decreed to the parties of the First, Second, Third, Fourth and Fifth Classes, that the parties to this action hereinafter in this paragraph named, by themselves and their predecessors in interest having appropriated of such excess, and herein denominated the Sixth Class, and the same is herein awarded to and decreed as follows:

	April 15th to Sept. 15th Second Feet.	Sept. 15th to April 15th Second Feet.
N-A-M-E.		
(a) Stewart Ranch, and as successor to Carl H. Wilkins,	0.529	0.529
(b) Edwin Hatch and Vermont Hatch, as successors in interest to Abram Hatch, and substituted for Ruth Hatch and Abram C. Hatch, administrators of the estate of Abram Hatch, deceased,	0.286	0.286

It is further ordered, adjudged and decreed, that whenever the waters flowing in said river and the canals of the parties in the First and Second Districts of the Wasatch Division, exclusive of storage waters, Ontario Drain Tunnel waters, and the waters diverted from the Weber River watershed, exceed in volume the aggregate quantity of water hereinbefore awarded to and decreed to the parties of the First, Second, Third, Fourth, Fifth and Sixth Classes, that the party to this action hereinafter in this paragraph named, by its-self and its predecessors in interest having appropriated of such excess, and herein denominated the Seventh Class, and the same is herein awarded to and decreed as follows:

	April 15th to Sept. 15th Second Feet.	Sept. 15th to April 15th Second Feet.
N-A-M-E.		
Stewart Ranch, and as successor to William Paul,	0.257	0.257

It is further ordered, adjudged and decreed, that whenever the waters flowing in said river and the canals of the parties, in the First and Second Districts of the Wasatch Division, exclusive of storage waters, Ontario Drain Tunnel waters, and the waters diverted from the Weber River watershed, exceed in volume the aggregate quantity of water hereinbefore awarded to and decreed to the parties of the First, Second, Third, Fourth, Fifth, Sixth and Seventh Classes, that the party to this action hereinafter in this paragraph named, by its-self and its predecessors in interest having appropriated of such excess, and herein denominated the Eighth Class, and the same is herein awarded to and decreed as follows:

	April 15th	Sept. 15th
	to	to
N-A-M-E.	Sept. 15th	April 15th
	Second Feet.	Second Feet.
Stewart Ranch, as successor to Carl H. Wilkins,	0.086	0.086

It is further ordered, adjudged and decreed, that whenever the waters flowing in said river and the canals of the parties, in the First and Second Districts of the Wasatch Division, exclusive of storage waters, Ontario Drain Tunnel waters, and the waters diverted from the Weber River watershed, exceed in volume the aggregate quantity of water hereinbefore awarded to and decreed to the parties of the First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth Classes, that the party to this action hereinafter in this paragraph named, by himself and his predecessors in interest having appropriated of such excess, and herein denominated the Ninth Class, and the same is herein awarded to and decreed as follows:

	April 15th	Sept. 15th
	to	to
N-A-M-E.	Sept. 15th	April 15th
	Second Feet.	Second Feet.
Joseph Morris,	0.643	0.643

It is further ordered, adjudged and decreed, that whenever the waters flowing in said river and the canals of the parties, in the First and Second Districts of the Wasatch Division, exclusive of storage waters, Ontario Drain Tunnel waters, and the waters diverted from the Weber River watershed, exceed in volume the aggregate quantity of water hereinbefore awarded to and decreed to the parties of the First, Second Third, Fourth, Fifth, Sixth, Seventh, Eighth and Ninth Classes, that the party to this action hereinafter in this paragraph named, by herself and her predecessors in interest having appropriated of such excess and herein denominated the Tenth Class, and the same is herein awarded to and decreed as follows:

	April 15th	Sept. 15th
	to	to
N-A-M-E.	Sept. 15th	April 15th
	Second. Feet.	Second Feet.
Barbara Buttrey, successor in interest to John Buttery,	0.157	0.157

It is further ordered, adjudged and decreed, that whenever the waters flowing in said river and the canals of the parties, in the First and Second Districts of the Wasatch Division, exclusive of storage waters, Ontario Drain Tunnel waters, and the waters diverted from the Weber River watershed, exceed in volume the aggregate quantity of water hereinbefore awarded to and decreed to the parties of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth and Tenth Classes, that the parties to this action hereinafter in this paragraph named, by themselves and their predecessors in interest having appropriated of such excess, and herein denominated the Eleventh Class, and the same is herein awarded to and decreed as follows:

		April 15th to Sept. 15th Second Feet.	Sept. 15th to April 15th Second Feet.
N-A-M-E.			
(a)	North Field Irrigation Company,	5.953	
(b)	Sunrise Irrigation Company,	2.400	2.057
(c)	Stewart Ranch,	0.414	
(d)	Utah Power & Light Company, as successor to William H. Walker Jr.,	0.047	
(e)	Isaac R. Baum, and as successor to W. H. Walker,	0.290	
(f)	Jack Bates,	0.132	
(g)	John E. Berg, as successor in interest and substituted for Julia M. Davis,	0.050	
(h)	Barbara Buttery, successor in interest to John Buttery,	0.097	
(i)	Mary Davis,	0.119	
(j)	Edwin Hatch and Vermont Hatch, as successors in interest to Abram Hatch, and substituted for Ruth Hatch and Abram C. Hatch, administrators of the estate of Abram Hatch, deceased,	0.178	
(k)	George B. Jordan,	0.154	
(l)	Joseph Morris,	0.417	
(m)	Charles H. Rampton, substituted for Harold C. Best, successor to John Swift,	0.047	
(n)	Levi M. North, successor to Ed. Dillon,	0.083	

N-A-M-E.

April 15th  
to  
Sept. 15th  
Second Feet.

(o) R. W. Barnes, successor to George O. Ellis,	0.167
(p) Christy Bisel, successor to Robert Mitchie,	0.004
(q) Henry Bisel,	0.003
(r) John D. F. Bradshaw, successor to Isaac Hunter,	0.083
(s) A. S. Carlile, successor to Mary A. White, administratrix of the estate of Thomas White, deceased,	0.096
(t) James Duncan,	0.060
(u) Riley Fitzgerald, and as successor to George O. Ellis,	0.110 From Provo River. 0.190 From Bridge Hollow.
(v) Christeen Fraughton, administratrix of the estate of Henry Fraughton, deceased, and successor to Marshall Leffler,	0.040
(w) Samuel Gines Sr.,	0.136
(x) Ellen Gines, successor to Samuel Gines Sr.,	0.096
(y) Samuel Gines Jr., successor to G.O. Ellis and Samuel Gines Sr.,	0.086
(z) Charles L. Gines, sued as Lyman Gines, successor to J. M. Reed, T. L. Larsen and William Reed,	0.190
(aa) Abram Gines, successor to M. O. Turnbow,	0.024
(ab) George R. Hardman, successor to Robert Mitchie,	0.029
(ac) Ernest H. Horton, successor to John Benson,	0.096
(ad) James A. Knight, and as successor to Henry Fraughton and J. J. Jenkins,	0.571 From Provo River. 0.071 From Bridge Hollow.
(ae) William Lemon, successor to John O. Driscoll,	0.096
(af) Ola W. Larsen, successor to Joseph Ketchum,	0.304
(ag) Rasmus Larsen, successor to Daniel Simpers,	0.476
(ah) William Lewis, successor to T. A. White and E. B. Leffler Jr.,	0.050

April 15th  
to  
Sept. 15th  
Second Feet.

(ai) Minns Lark, administrator of the estate of William Lark, deceased,	0.096
(aj) Abram Leffler, sued as Abe Leffler,	0.012
(ak) John Leffler, and as successor to E. B. Leffler,	0.027
(al) Marshall Leffler, successor to Henry Bisel and Woodland School District,	0.007
(am) Martha E. McNeil, and as successor to Charles Murphy, William Reed, William Prescott and Robert Mitchie,	0.085
(an) Nephi Moon,	0.010
(ao) William Moon,	0.017
(ap) Heber Moon,	0.001
(aq) Hyrum Moon,	0.017
(ar) Hettie J. Prescott Page,	0.024
(as) Fred A. Peterson, successor to Eldora Rose and P. F. Bowers,	0.050
(at) S. A. Peterson,	0.047
(au) Ernest J. Prescott,	0.036
(av) Emily Prescott and Martha E. McNeil, as successors of Isaac Hunter, successor of William L. Prescott,	0.060
(aw) Julia Potts, successor to John M. Reed,	0.007
(ax) James Prescott, successor to W. R. Smith,	0.024
(ay) John Swift, and as successor to Mary A. Moon,	0.012
(az) Benjamin Turnbow, successor to Mary A. Moon,	0.003
(ba) Frank Turnbow, successor to William Moon,	0.003
(bb) Milton O. Turnbow,	0.027
(bc) Ether Webb, successor to Daniel Mitchell,	0.119
(bd) Mary Ann Moon White, successor to Mary A. Moon,	0.082
(be) Mary A. White,	0.010
(bf) Parley Gines, successor to G. O. Ellis,	0.012
(bg) Rosel Leffler, successor to Mary Ann Moon,	0.001
(bh) George R. Hardman Jr., successor to Ephraim Lambert,	0.003
(bi) John T. Moon,	0.003

It is further ordered, adjudged and decreed, that whenever the waters flowing in said river and the canals of the parties, in the First and Second Districts of the Wasatch Division, exclusive of storage waters, Ontario Drain Tunnel waters, and the waters diverted from the Weber River watershed, exceed in volume the aggregate quantity of water hereinbefore awarded to and decreed to the parties of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Classes, that the party to this action hereinafter in this paragraph named, by its-self and its predecessors in interest having appropriated of such excess, and herein denominated the Twelfth Class, and the same is herein awarded to and decreed as follows:

	Sept. 15th	April 15th	July 5th
	to	to	to
N-A-M-E.	April 15th	July 5th	Sept. 15th
	Second Feet.	Second Feet.	Second Feet.
Sage Brush Irrigation Company,	7.143	8.333	10.000

And that in the period of July 5th to September 15th, said waters to be measured at the measuring weir of said defendant's canal as now located west of the Rio Grande Western Depot, at Heber City, Utah, and that no additional quantity shall be allowed for losses in canal.

It is further ordered, adjudged and decree, that whenever the waters flowing in said river and the canals of the parties, in the First and Second Districts of the Wasatch Division, exclusive of storage waters, Ontario Drain Tunnel waters, and the waters diverted from the Weber River watershed, exceed in volume the aggregate quantity of water hereinbefore awarded to and decreed to the parties of the First, Second Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, and Twelfth Classes, that the parties to this action hereinafter in this paragraph named, by themselves and their predecessors in interest having appropriated of such excess, and herein denominated the Thirteenth Class, and the same is herein awarded to and decreed as follows:

Midway Irrigation Company, and the parties named in subdivision (bn) paragraph 48, whose waters the said Midway Irrigation Company controls and distributes:

Jointly and undivided:

From April 15th to September 15th.

(A) 12.17 second feet of the waters of Provo River, to be diverted at the Midway Upper Dam, or such portion thereof, which when added to (I), (II), and (III), subdivision (bn) paragraph 48, will aggregate 58.32 second feet for the purposes and for the lands aforesaid.

(B) From September 15th to April 15th.

12.17 second feet of the waters of Provo River, to be diverted at the Midway Upper Dam, or such portion thereof, which when added to (IV), (V), and (VI) subdivision (bn) paragraph 48, will aggregate 49.99 second feet, for the purposes and for the lands aforesaid.

It is further ordered, adjudged and decreed, that whenever the waters flowing in said river and the canals of the parties, in the First and Second Districts of the Wasatch Division, exclusive of storage waters, Ontario Drain Tunnel waters, and the waters diverted from the Weber River watershed, exceed in volume the aggregate quantity of water hereinbefore awarded to and decreed to the parties of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, and Thirteenth Classes, that the parties to this action hereinafter in this paragraph named, by themselves and their predecessors in interest having appropriated of such excess, and herein denominated the Fourteenth Class, and the same is herein awarded and decreed as follows:

N-A-M-E.	April 15th to Sept. 15th Second Feet.	Sept. 15th to April 15th Second Feet.
(a) Timpanogus Irrigation Company,	33.333	28.571
(b) Stewart Ranch,	16.667	14.286
(c) Extension Irrigation Company,	13.333	11.429
(d) Charles H. Rampton, substituted for Harold C. Best, successor to John Swift,	0.667	0.571

It is further ordered, adjudged and decreed, that whenever the waters flowing in said river and the canals of the parties, in the First and Second Districts of the Wasatch Division, exclusive of storage waters, Ontario Drain Tunnel waters, and the waters diverted from the Weber River watershed, exceed in volume the aggregate quantity of water hereinbefore awarded to and decreed to the parties of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, and Fourteenth Classes, that the parties to this action hereinafter in this paragraph named, by themselves and their predecessors in interest having appropriated of such excess, and herein denominated the Fifteenth Class, and the same is herein awarded to and decreed as follows:

Midway Irrigation Company, and the parties named in subdivision (bn) paragraph 48, whose waters the said Midway Irrigation Company controls and distributes:

Jointly and undivided:

- (A) From April 15th to September 15th.

Twenty second feet of the waters of Provo River to be diverted at the Midway Upper Dam, or such portion thereof, which when added to (I), (II), and (III), subdivision (bn) paragraph 48, and subdivision (A) paragraph 60, will aggregate 58.32 second feet for the purposes and for the lands aforesaid.

- (B) From September 15th to April 15th.

Twenty second feet of the waters of Provo River, to be diverted at the Midway Upper Dam, or such portion thereof, which when added to (IV), (V), and (VI), subdivision (bn) paragraph 48 and subdivision (B) paragraph 60, will aggregate 49.99 second feet, for the purposes and for the lands aforesaid.

It is further ordered, adjudged and decreed, that whenever the waters flowing in said river and the canals of the parties, in the First and Second Districts of the Wasatch Division, exclusive of storage waters, Ontario Drain Tunnel waters, and the waters diverted from the Weber River watershed, exceed in volume the aggregate quantity of water hereinbefore awarded to and decreed to the parties of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth and Fifteenth Classes, that the parties to this action hereinafter in this paragraph named, by themselves and their predecessors in interest having appropriated of such excess, and herein denominated the Sixteenth Class, and the same is herein awarded to and decreed as follows:

	April 15th to Sept. 15th Second Feet.	Sept. 15th to April 15th Second Feet.
N-A-M-E.		
(a) Timpanogus Irrigation Company,	16.667	14.286
(b) John E. Berg, as successor in interest and substituted for Julia M. Davis,	0.483	0.414
(c) Charleston Irrigation Company through its Upper Canal,	1.667	1.429
(d) Edwin Hatch and Vermont Hatch, as successors in interest to Abram Hatch, substituted for Ruth Hatch and Abram C. Hatch, administrators of the estate of Abram Hatch, deceased,	1.500	1.286
(e) George B. Jordan,	0.417	0.357
(f) Charles H. Rampton, substituted for Harold C. Best, successor to John Swift,	0.667	0.571

It is further ordered, adjudged and decreed, that whenever, between May 1st and August 10th of any year, the waters flowing in said river and the canals of the parties in the First and Second Districts of the Wasatch Division, exclusive of storage waters, Ontario Drain Tunnel waters, and the waters diverted from the Weber River watershed, exceed in volume the aggregate quantity of water hereinbefore awarded to and decreed to the parties of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth and Sixteenth Classes, that the parties to this action hereinafter in this paragraph named, by themselves and their predecessors in interest having appropriated of such excess, and herein denominated the Seventeenth Class, and the same is herein awarded to and decreed as follows:

N-A-M-E.	Second Feet.
(a) Wasatch Irrigation Company,	20.633
(b) North Field Irrigation Company,	20.833
(c) Timpanogus Irrigation Company,	25.000
(d) South Kamas Irrigation Company,	14.167

## N-A-M-E.

## Second Feet.

(e)	Washington Irrigation Company,	10.517
(f)	Stewart Ranch,	10.989
(g)	Sunrise Irrigation Company,	3.200
(h)	Extension Irrigation Company,	6.667
(i)	Utah Power & Light Company, as successor to William H. Walker Jr.	0.167
(j)	Isaac R. Baum, and as successor to W. H. Walker,	1.017
(k)	R. W. Barnes, successor to George O. Ellis,	0.583
(l)	Jack Bates,	0.458
(m)	John E. Berg, as the successor in interest and substituted for Julia M. Davis,	0.417
(n)	Christy Bisel, successor to Robert Mitchie,	0.017
(o)	Henry Bisel,	0.008
(p)	John D. F. Bradshaw, successor to Isaac Hunter,	0.292
(q)	Barbara Buttrey, successor to John Buttrey,	0.342
(r)	A. S. Carlile, successor to Mary A. White, administratrix of the estate of Thomas White, deceased,	0.333
(s)	Mary Davis,	0.417
(t)	James Duncan,	0.208
(u)	Phillip L. Ford, to be taken from river at Upper Midway Dam,	0.500
(v)	Riley Fitzgerald, and as successor to George O. Ellis,	0.383 From Provo River, 0.667 From Bridge Hollow.
(w)	Christeen Fraughton, adminis- tratrix of the estate of Henry Fraughton, deceased, and suc- cessor to Marshall Leffler,	0.142
(x)	Samuel Gines Sr.,	0.475
(y)	Ellen Gines, successor to Samuel Gines Sr.,	0.333
(z)	Samuel Gines Jr., successor to G. O. Ellis, and Samuel Gines Sr.,	0.300
(aa)	Charles L. Gines, sued as Lyman Gines, successor to J. M. Reed, T. L. Larsen and William Reed,	0.667

(ab)	Abram Gines, successor to M. O. Turnbow,	0.083
(ac)	Edwin Hatch and Vermont Hatch, as successors in interest to Abram Hatch, and substituted for Ruth Hatch and Abram C. Hatch, administrators of the estate of Abram Hatch, deceased,	1.375
(ad)	George R. Hardman, successor to Robert Mitchie,	0.100
(ae)	Ernest H. Horton, successor to John Benson,	0.333
(af)	John A. Johnston, to be taken from river at Midway Upper Dam,	0.750
(ag)	George B. Jordan,	0.750
(ah)	James A. Knight, successor to Henry Fraughton and J. J. Jenkins,	2.000 From Provo River, 0.250 From Bridge Hollow.
(ai)	William Lemon, successor to John O. Driscoll,	0.333
(aj)	Ola W. Larsen, successor to Joseph Ketchum,	1.067
(ak)	Rasmus Larsen, successor to Daniel Simpers,	1.667
(al)	William Lewis, successor to T. A. White and E. B. Leffler Jr.,	0.175
(am)	Minns Lark, as administrator of the estate of William Lark, deceased,	0.333
(an)	Abram Leffler, sued as Abe Leffler,	0.042
(ao)	John Leffler, and as successor to E. B. Leffler,	0.093
(ap)	James Leffler, successor to T. P. Potts,	0.025
(aq)	Marshall Leffler, successor to Henry Bisel and Woodland School District,	0.025
(ar)	Martha E. McNeil, and as successor to Charles Murphy, William Reed, William Prescott and Robert Mitchie,	0.300
(as)	Joseph Morris,	1.458
(at)	Nephi Moon,	0.033
(au)	William Moon,	0.058
(av)	Heber Moon,	0.003

## N-A-M-E.

## Second Feet.

(aw)	Hyrum Moon,	0.058
(ax)	Levi M. North, successor to Ed. Dillon,	0.292
(ay)	Hettie J. Prescott Page,	0.083
(az)	Mary E. Pace, successor to Thomas P. Potts,	0.292
(ba)	Fred A. Peterson, successor to Eldora Rose and P. F. Bowers,	0.175
(bb)	S. A. Peterson,	0.167
(bc)	Ernest J. Prescott,	0.125
(bd)	Emily Prescott and Martha E. McNeil, as successors of Isaac Hunter, successor of William L. Prescott,	0.208
(be)	Julia Potts, successor to John M. Reed,	0.025
(bf)	James Prescott, successor to W. R. Smith,	0.083
(bg)	Charles H. Rampton, substituted for Harold C. Best, successor to John Swift,	0.833
(bh)	John Swift, and as successor to Mary A. Moon,	0.042
(bi)	Benjamin Turnbow, successor to Mary A. Moon,	0.008
(bj)	Frank Turnbow, successor to William Moon,	0.008
(bk)	Milton O. Turnbow,	0.093
(bl)	Ether Webb, successor to Daniel Mitchell,	0.417
(bm)	Mary Ann Moon White, successor to Mary A. Moon,	0.287
(bn)	Mary A. White,	0.039
(bo)	Spring Creek Irrigation Company,	6.000

And that in the period of July 5th to August 10th, said waters to be measured at the measuring weir of said defendant's canal as now located west of the Rio Grande Western Depot, at Heber City, Utah, and no additional quantity shall be allowed for losses in canal.

(bp)	Sage Brush Irrigation Company,	4.167
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And that in the period of July 5th to August 10th, said waters to be measured at the measuring weir of said defendant's canal as now located west of the Rio Grande Western Depot, at Heber City, Utah, and no additional quantity shall be allowed for losses in canal.

## N-A-M-E.

## Second Feet.

- (bq) Charleston Irrigation Company,  
through its Upper Canal, 6.833
- (br) Thomas Lowery and Samuel Lowery,  
successors to B. A. Norris, 0.638
- (bs) Midway Irrigation Company, and the  
parties named in subdivision (bn)  
paragraph 48, whose waters the said  
Midway Irrigation Company controls and  
distributes, jointly and undivided, 29.16
- (bt) Parley Gines, successor to G.O. Ellis, 0.042
- (bu) Rosel Leffler, successor to  
Mary Ann Moon, 0.007
- (bv) George R. Hardman Jr., successor to  
Ephraim Lambert, 0.010
- (bw) John T. Moon, 0.008
- (bx) Nephi Huber and Joseph Huber, jointly and undivided; Of the  
waters of Snake Creek, and springs tributary thereto, 0.217  
second foot.
- (by) George Schear, successor to Alice Schear; Of the waters of  
Snake Creek, 0.083 second foot.
- (bz) John M. Huber, administrator of the estate of John Huber,  
deceased; Of the waters of Snake Creek, 0.367 second foot.
- (ca) Elizabeth Hamilton, successor to and substituted for Emma Kummer  
Bond, administratrix of the estate of John Kummer, deceased;  
Of the waters of Snake Creek, and through the Midway Lower  
Town Ditch, 0.050 second foot.
- (cb) Joseph Hatch, as a tenant in common in the Wasatch Canal and  
the right to the use of waters therein, to be diverted from  
Provo River through the said Wasatch Canal, 0.192 second foot.
- (cc) Emma Wherrett, as a tenant in common in the Wasatch Canal and  
the right to the use of waters therein, to be diverted from  
Provo River through the said Wasatch Canal, 0.008 second foot.

W A S A T C H   D I V I S I O N .

Third      District.

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The defendants in the Third District of the Wasatch Division, are the owners of the right to the use of certain waters of the Provo River and its tributaries, springs, seepage and percolating waters, and which are necessary for domestic and culinary uses and for the irrigation of lands, and which rights are set out and agreed to between plaintiff and the said defendants in stipulations, and having provided therein that the rights in said district shall be decreed as stipulated, and conforming thereto it is ordered, adjudged and decreed, that the said parties, hereinafter named, are the owners of the right to the use for the service of the acreage and for domestic and culinary uses, in the quantities and for the periods hereinafter set forth, and denominated as follows:

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- (a)      The waters for domestic and culinary uses, and the waters for irrigation purposes to a duty of one second foot per sixty acres of land, are herein denominated the First Class; and
- (b)      Whenever, between May 1st and August 10th of any year, the waters flowing in said river and the canals in the Provo Division, exceed in volume the aggregate quantities hereinbefore awarded to the defendants in said Provo Division and the Plaintiff is being supplied with one second foot of water per seventy acres of land; the defendants in the Third District of the Wasatch Division by themselves and their predecessors in interest having appropriated of such excess in addition to the First Class aforesaid to a quantity equal to and commensurate with the Seventeenth Class of the Second District of the Wasatch Division, and the same is herein denominated the Seventeenth Class; and
- (c)      The waters aforesaid, denominated First and Seventeenth Classes, are herein awarded to and decreed as follows:

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Through the Phil Smith Ditch.

- (a)      Frederick Remund                      8.00 Acres.
- In the S.W. 1/4 section 24, township 3 south,  
            range 4 east, Salt Lake Meridian.
- 1st Class ----- .133 second foot.  
            17th    "        ----- .067        "        "
- (b)      Phillip L. Ford,                      45.00 Acres.
- In the S. 1/2 section 24, township 3 south,  
            range 4 east, Salt Lake Meridian.
- 1st Class ----- .750 second foot.  
            17th    "        ----- .375        "        "

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Through the Phil Smith Slough.

- (a)      Frederick Remund,                      18.00 Acres.
- In the S.W. 1/4 section 24, township 3 south,  
            range 4 east, Salt Lake Meridian.
- 1st Class ----- .300 second foot.  
            17th    "        ----- .150        "        "

(b) Joseph Abegglen, 5.00 Acres.

In the N.W. 1/4 section 25, township  
3 south, range 4 east, Salt Lake Meridian.

1st Class-----	.083 second foot.
17th "-----	.042 " "

(c) Anna Elizabeth Abegglen, as  
successor to Ulric Abegglen,

4.00 Acres.

In the N.W. 1/4 section 25, township  
3 south, range 4 east, Salt Lake Meridian.

1st Class-----	.067 second foot.
17th "-----	.033 " "

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Through the Abegglen Ditch.

Joseph Abegglen, 10.00 Acres.

In the N.W. 1/4 section 25, township  
3 south, range 4 east, Salt Lake Meridian.

1st Class-----	.167 second foot.
17th "-----	.083 " "

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Through the Mitchell Ditch.

(a) J. E. Peterson, 8.00 Acres.

In the S.W. 1/4 section 25, township  
3 south, range 4 east, Salt Lake Meridian.

1st Class-----	.133 second foot.
17th "-----	.067 " "

(b) Chris Mitchell, 40.00 Acres.

In the N.W. 1/4 section 25, township  
3 south, range 4 east, Salt Lake Meridian.

1st Class-----	.667 second foot.
17th "-----	.333 " "

(c) Felix Martin, 30.00 Acres.

In the S.W. 1/4 section 25, and the S.W. 1/4  
section 26, township 3 south, range 4 east,  
Salt Lake Meridian.

1st Class-----	.500 second foot.
17th "-----	.250 " "

(d) John H. Buhler, 15.00 Acres.

In the S.W. 1/4 section 25, township  
3 south, range 4 east, Salt Lake Meridian.

1st Class-----	.250 second foot.
17th "-----	.125 " "

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Through the Nelson Ditch.

(a) Jesse Nelson, 23.00 Acres.

In the NW. 1/4 section 1, township  
4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.383	second foot.
17th "-----	.192	" "

(b) Jesse Nelson Jr., 20.00 Acres.

In the S.E. 1/4 section 2, township  
4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.333	second foot.
17th "-----	.167	" "

(c) George Nelson, 20.00 Acres.

In the S.E. 1/4 section 2, townshpp  
4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.333	second foot.
17th "-----	.167	" "

(d) Alfred L. Alder, W. W. Alder,  
and James T. Alder; jointly:

20.50 Acres.

In the S.E. 1/4 section 2, township  
4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.342	second foot.
17th "-----	.170	" "

-72-

Through the River Slough.

Alonzo A. Hicken, 10.89 Acres.

In the S. E. 1/4 section 2, township  
4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.181	second foot.
17th "-----	.091	" "

-73-

Drainage, seepage and spring water  
that arises on lands adjacent to  
and above described tract of land.

Ermina C. Cummings, Lavina E. Murdock, William T. Averett,  
Addison Averett, Joseph D. Averett, John Averett, Edna A.  
Murdock, Leona Bonner and Eustachia Averett, heirs at law of  
William Averett, deceased, successors to the interest of said  
William Averett, deceased, jointly and individed;

10.20 Acres.

In the S. E. 1/4 section 2, and N.E. 1/4 section 11, township 4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.170	second foot.
17th "-----	.085	" "

-74-

Through Charleston-Midway  
Spring Creek Ditch.

(a) Hyrum S. Winterton, 12.5 Acres.

In the N.E. 1/4 section 11, township 4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.308	second foot.
17th "-----	.104	" "

(b) Joseph E. Hanks, administrator of the estate of Mrs. E. L. Hanks, deceased:

5.85 Acres.

In the S.E. 1/4 section 11, township 4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.098	second foot.
17th "-----	.048	" "

(c) William Winterton, 3.75 Acres.

In the S.W. 1/4 section 11, township 4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.062	second foot.
17th "-----	.032	" "

(d) John W. Stubbs, successor to the interest of John Fowers, deceased.

5.00 Acres.

In the S.E. 1/4 section 10, township 4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.083	second foot.
17th "-----	.042	" "

(e) George H. Edwards, 27.00 Acres.

In the S. 1/2 of section 10, and N.E. 1/4 section 15, township 4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.450	second foot.
17th "-----	.225	" "

(f) Joseph S. Wright, 15.00 Acres.

In the S.E. 1/4 section 10, and S.W. 1/4 section 11, township 4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.250	second foot.
17th "-----	.125	" "

(g) E. L. Brown,

10.00 Acres

In the S.E. 1/4 section 10, township  
4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.167	second foot.
17th "-----	.083	" "

(h) Ellen C. Wright,

28.00 Acres.

In the S.E. 1/4 section 10, and S.W. 1/4  
section 11, township 4 south, range 4 east,  
Salt Lake Meridian.

1st Class-----	.467	second foot.
17th "-----	.233	" "

(i) Dermont Huffacker, administrator of the estate of D. S.  
Huffacker, deceased,

15.00 Acres.

In the S.E. 1/4 section 10, township  
4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.250	second foot.
17th "-----	.125	" "

(j) W. D. Wright,

22.50 Acres.

In the S.E. 1/4 section 10, township  
4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.375	second foot.
17th "-----	.187	" "

(k) Hyrum Winterton

9.00 Acres.

In the S.W. 1/4 section 11, township  
4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.150	second foot.
17th "-----	.075	" "

(l) Thomas Winterton,

18.00 Acres.

In the S.E. 1/4 section 10, township  
4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.300	second foot.
17th "-----	.150	" "

-75-

Through Meaks Bottom Slough.

William H. Winterton, 17.75 Acres.

In the N.E. 1/4 and N.W. 1/4 section 11,  
township 4 south, range 4 east, Salt Lake  
Meridian.

1st Class-----	.296	second foot.
17th "-----	.148	" "

-76-

Through a Slough from Provo River.

William N. Casper, 15.00 Acres.

In the S.W. 1/4 section 1, and S.E. 1/4 section 2, township 4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.250 second foot.
17th "-----	.125 " "

-77-

From "Upper Springs", and through Charleston Lower Canal, that issue on described land and are now intercepted by said Canal.

William Winterton, 5.50 Acres.

In the S.W. 1/4 section 11, township 4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.092 second foot.
17th "-----	.046 " "

-78-

From "Second Group of Springs", that issue on described land and below the Charleston Lower Canal. Also the right to the use of said water for two Fish Ponds located on said land, for the purposes of Fish Culture.

William Winterton, 17.58 Acres.

In the S.W. 1/4 section 11, township 4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.293 second foot.
17th "-----	.147 " "

-79-

From "Third Group of Springs", that issue on said described land and below the Charleston Lower Canal. Also the right to the use of said water for two Fish Ponds located on described land, for the purposes of Fish Culture.

William H. Winterton, 9.00 Acres.

In the S.W. 1/4 section 11, township 4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.150 second foot.
17th "-----	.075 " "

-80-

From Springs and conveyed through the River Ditch.

(c) John W. Stubbs, successor to the interests of the estate of John Fowers, deceased.

8.50 Acres.

In the N.E. 1/4 section 15, township 4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.142 second foot.
17th "-----	.071 " "

(b) P. W. Edwards,

3.50 Acres.

In the N.E. 1/4 section 15, township  
4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.058	second foot.
17th "-----	.029	" "

-81-

From the Brown Slough.

John W. Stubbs, successor to the interests of the estate of  
John Powers, deceased,

2.50 Acres.

In the N.E. 1/4 section 15, township  
4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.042	second foot.
17th "-----	.020	" "

-82-

From Springer and Tate Springs.

P. W. Edwards,

2.70 Acres.

In the N.E. 1/4 section 15, township  
4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.045	second foot.
17th "-----	.023	" "

-83-

Of waters of Bonner Slough and Soldier Hollow.

(a) P. W. Edwards,

27.20 Acres.

In the N.E. 1/4 section 15, township  
4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.453	second foot.
17th "-----	.227	" "

(b) George H. Edwards,

10.00 Acres.

In the N.E. 1/4 section 15, township  
4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.167	second foot.
17th "-----	.083	" "

(c) W. D. Wright,

28.00 Acres.

In the south half of section 10, township  
4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.467	second foot.
17th "-----	.233	" "

-84-

Of drainage, seepage and spring water from  
the North Drain Ditch.

George H. Edwards,

5.00 Acres.

In the N.E. 1/4 section 15, township  
4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.083	second foot.
17th "-----	.042	" "

-85-

Of the waters of Wootten Springs.

John W. Stubbs, successor to the interests of the estate of  
John Powers, deceased,

2.91 Acres.

In the N.E. 1/4 section 10, township  
4 south, range 4 east, Salt Lake Meridian.

1st Class-----0.048 second foot.  
17th " -----0.024 " "

-86-

Of the waters of Tate Upper Springs.

George H. Edwards, 14.00 Acres.

In the east half of section 10, township  
4 south, range 4 east, Salt Lake Meridian.

1st Class-----0.233 second foot.  
17th " -----0.117 " "

-87-

Of the waters of Powers Springs.

(a) John W. Stubbs, successor to the interests of the estate of  
John Powers, deceased,

28.00 Acres.

In the N.E. 1/4 section 15, township  
4 south, range 4 east, Salt Lake Meridian.

1st Class-----0.467 second foot.  
17th " -----0.233 " "

(b) P. W. Edwards, 56.00 Acres.

In the North half section 15, township  
4 south, range 4 east, Salt Lake Meridian.

1st Class-----0.933 second foot.  
17th " -----0.467 " "

(c) Earl Stringfellow, successor to the interests of John O. Edwards.

10.00 Acres.

In the N.E. 1/4 section 15, township  
4 south, range 4 east, Salt Lake Meridian.

1st Class-----0.167 second foot.  
17th " -----0.083 " "

-88-

Of the waters from W. D. Wright Springs.

(a) Earl Stringfellow, successor to the interests of John O. Edwards.

18.13 Acres.

In the N.E. 1/4 section 15, township  
4 south, range 4 east, Salt Lake Meridian.

1st Class-----0.302 second foot.  
17th " -----0.151 " "

(b) Joseph S. Wright, successor to the interests of Joseph R. Murdock.

23.22 Acres.

In the south half section 15, township  
4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.387	second foot.
17th "-----	.193	" "

-89-

Through a Slough from Provo River.

George R. Carlile, 20.00 Acres.

On west side of said River, in the  
N.E. 1/4 section 11, township 4 south,  
range 4 east, Salt Lake Meridian.

1st Class-----	.333	second foot.
17th "-----	.167	" "

-90-

From springs arising near said lands.

George R. Carlile, 10.00 Acres.

On the east side of said River, in the  
N.E. 1/4 section 11, township 4 south,  
range 4 east, Salt Lake Meridian.

1st Class-----	.167	second foot.
17th "-----	.083	" "

-91-

From Provo River through the Hicken Slough.

James Casper, 20.00 Acres.

In the N.E. 1/4 section 11, township  
4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.333	second foot.
17th "-----	.167	" "

-92-

From Provo River through Jack Watkins Slough.

J. M. Casper, 18.00 Acres.

In the north half section 11, township  
4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.300	second foot.
17th "-----	.150	" "

-93-

John M. Richie, 90.00 Acres.

In the west half section 33, township 4 south, range 4 east, Salt Lake Meridian. Through two sloughs from Provo River, one heading near the north line of said land, the other near the center of said land.

1st Class-----	1.500	second	feet.
17th "-----	.750	"	foot

-94-

Joseph Hatch, 28.00 Acres.

In the N.E. 1/4 section 1, township 4 south, range 4 east, Salt Lake Meridian.

Of drainage, seepage, and spring water, that arises on lands adjacent to and above said described land.

1st Class-----	.467	second	foot.
17th "-----	.233	"	"

-95-

Through Webster Spring Ditch and a Slough from Provo River.

Elisha Webster, 10.00 Acres.

In section 11, township 4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.167	second	foot.
17th "-----	.083	"	"

-96-

From Creamery Spring.

(a) William Daybell, 28.00 Acres.

On lands on what is known as the Island, in the S.W. 1/4 section 22, township 4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.467	second	foot.
17th "-----	.233	"	"

(b) George H. Edwards, 17.00 Acres.

On lands on what is known as the Island, in the S.W. 1/4 section 22, township 4 south, range 4 east, Salt Lake Meridian.

1st Class-----	.283	second	foot.
17th "-----	.142	"	"

I S L A N D      D I T C H.

N-A-M-E.		Class,	Acres,	Second Feet.
(a)	Midway Irrigation Company,	1st 17th	186	3.100 1.550
(b)	Alfred L. Alder,	1st 17th	4	0.067 0.033
(c)	Jesse Nelson,	1st 17th	32	0.533 0.267
(d)	William L. Van Wagoner, and John Van Wagoner Jr.,	1st 17th	10	0.167 0.083
(e)	William Winterton,	1st 17th	8.90	0.148 0.074
(f)	John Murri,	1st 17th	15	0.250 0.125
(g)	Hyrum S. Winterton, T. Fred Winterton, and Moroni Winterton,	1st 17th	35	0.583 0.292
(h)	E. R. Bronson,	1st 17th	15	0.250 0.125
(i)	Joseph S. Wright,	1st 17th	10	0.167 0.083
(j)	William Bonner,	1st 17th	6	0.100 0.050
(k)	James Pyper,	1st 17th	5	0.083 0.042
(l)	Henry Zenger,	1st 17th	5	0.083 0.042
(m)	James A. Hamilton, William Hamilton, Ella Hamilton Snyder, Jennie Hamilton Summers, Lovica Hamilton Snyder, Mary Hamilton Chambers, Maggie Hamilton Campbell, Theodore Hamilton, and David Hamilton, duly substituted for James B. Hamilton, deceased; Jointly and undivided,	1st 17th	33	0.550 0.275

DAYBELL SPRINGS.

April 1st to November 1st.

	Through Upper Ditch.	Class,	Acres,	Second Feet.
(a)	George H. Edwards, and as successor to George Daybell & Sons,	1st	23	.387
(b)	John M. Richio,	1st	30	.505
(c)	Harry F. Watson,	1st	60	1.010
	Through Lower Ditch.			
(d)	George H. Edwards, and as successor to George Daybell & Sons,	1st	65	1.093
(e)	John M. Richio,	1st	30	.505

McAFFEE SPRINGS.

First Class.

- J. W. Allen: (a) Of the waters of said springs during the entire year to supply his requirements for domestic, culinary and stockwatering purposes at his home, yard and corral, situated about thirty yards easterly from said springs.
- (b) Subject to the foregoing right, from May 1st to October 15th, of all of the flowing waters of said springs for one-sixth of the time for the irrigation of five acres of land.

Wilford D. Wright:

Subject to the right of J. W. Allen as set out under (a) above, from May 1st to October 15th, of all of the flowing waters of said springs for five-sixths of the time for the irrigation of twenty-five acres of land in section 33, township 4 south, range 4 east, Salt Lake Meridian.

That, Hyrum S. Winterton, William Van Wagoner and John Van Wagoner Jr., are awarded the use of all the waters, not exceeding one second foot, arising in the bed of Snake Creek, by springs and seepage, on the George Price Farm, in section 3, township 4 south, range 4 east, Salt Lake Meridian, for the irrigation of 20.5 acres of land owned by Hyrum S. Winterton and 9.7 acres of land owned by William Van Wagoner and John Van Wagoner Jr., in sections 2 and 11, township 4 south, range 4 east, Salt Lake Meridian, in Wasatch County.

Pioneer Irrigation Company.

Through two ditches, the upper of which diverts from Provo River at a point approximately 150 feet north and 850 feet west of the center of section 15, township 4 south, range 4 east, Salt Lake Meridian; the lower of which diverts from Provo River at a point approximately 1600 feet north and 150 feet east of the southwest corner of section 22, township 4 south, range 4 east, Salt Lake Meridian.

455 Acres.

From April 15th to October 15th.

First Class----- 7.583 second feet.

Murdock-Allen Ditch.

From April 15th to October 15th.

(a) T. W. Allen, 52.00 Acres.

1st Class----- 0.867 second foot.

(b) John H. Murdock, 12.00 Acres.

1st Class----- 0.200 second foot.

Allen-McAffee Ditches.

From April 15th to October 15th.

(a) Samuel McAffee, 39.00 Acres.

1st Class----- 0.650 second foot.

(b) Arthur P. Allen, 20.00 Acres.

1st Class----- 0.333 second foot.

(c) T. W. Allen, 46.00 Acres.

1st Class,----- 0.767 second foot.

(d) John W. Allen, 75.00 Acres.

1st Class----- 1.250 second feet.

Wilford Van Wagenen.

Two second feet of the waters of Deer Creek, to be measured at his land in sections 9 and 16, township 4 south, range 4 east, Salt Lake Meridian, for the irrigation of 120 acres of land.

Charleston Irrigation Company,  
through its Lower Canal.

Nine second feet of water for the irrigation of 540 acres of land, delivered at the heads of the laterals of said canal, except in that lateral leading southward from Charleston to the lands irrigated and owned by J. M. Ritchie and Harry F. Watson, in sections 22 and 27, township 4 south, range 4 east, Salt Lake Meridian, in which said lateral the quantity of water herein awarded shall be delivered at the dividing line between said sections 22 and 27.

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EIGHTEENTH, NINETEENTH, AND TWENTIETH

CLASS RIGHTS.

-106-

The defendants that appropriate water under applications approved by the State Engineer of the State of Utah, and that appropriate water under certificates of completion of appropriation issued by the said State Engineer, are hereinafter denominated, and the waters to which each of said parties are awarded is as follows:

-107-

The plaintiff and the defendants in this cause having reservoirs in Wasatch and Summit Counties, that appropriate and store water under applications approved by the State Engineer of the State of Utah, and that appropriate and store water under certificates of completion of appropriation issued by the said State Engineer, have the right and are entitled, to store in said reservoirs all the water that can be stored in them between September 15th and April 15th of the succeeding year.

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EIGHTEENTH CLASS RIGHTS.

-108-

Wasatch Irrigation Company:  
Timpanogus Irrigation Company:

The waters of the Wasatch Irrigation Company and the Timpanogus Irrigation Company, under application to the State Engineer of the State of Utah, number 442, bearing date of August 22, 1905, are herein denominated Eighteenth (18th) Class, and the quantities of water to which said parties are awarded is as follows:

(a) Wasatch Irrigation Company:

The defendant the Wasatch Irrigation Company, as a successor in interest of the Timpanogus Irrigation Company, under application to the State Engineer of the State of Utah, number 442, bearing date of August 22, 1905, for 8500 ~~acre~~ feet of water, is entitled to 7/28 of said water and water right, and is entitled to complete said appropriation and make final proof thereof;

And pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended, as long as said application is in good standing in said State Engineer's office, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application according to its priority of right and the priority of rights fixed herein;

And, upon and after the completion of said appropriation, the said defendant is entitled to said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer, according to the priority of right of said certificate and the priority of rights fixed herein;

Provided, however, that the priority and quantity of this appropriation is conditioned upon compliance with the terms of the application upon which said appropriation is based, to-wit: Application No. 442 filed in the office of the State Engineer of Utah, and the same is subject to the provisions of the laws of the State of Utah governing the issuance of certificates of completion of appropriation by said State Engineer.

(b) Timpanogus Irrigation Company:

The defendant the Timpanogus Irrigation Company, under application to the State Engineer of the State of Utah, number 442, bearing date of August 22, 1905, for 8500 acre feet of water is entitled to 7/28 of said water and water right, and is entitled to complete said appropriation and make final proof thereof;

And pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended, as long as said application is in good standing in said State Engineer's office, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application according to its priority of right and the priority of rights fixed herein;

And upon and after the completion of said appropriation, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer, according to the priority of right of said certificate and the priority of rights fixed herein;

Provided, however, that the priority and quantity of this appropriation is conditioned upon compliance with the terms of the application upon which said appropriation is based, to-wit: Application No. 442 filed in the office of the State Engineer of Utah, and the same is subject to the provisions of the laws of the State of Utah governing the issuance of certificates of completion of appropriation by said State Engineer.

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NINETEENTH CLASS RIGHT.

-108-A-

Timpanogus Irrigation Company:

The waters under application to the State Engineer of the State of Utah, number 944A, bearing date of June 14, 1906, are herein denominated Nineteenth (19th) Class, and

The defendant the Timpanogus Irrigation Company, under application to the State Engineer of the State of Utah, number 944A, bearing date of June 14, 1906, for 7500 acre feet of water, is entitled to said water and water right, and is entitled to complete said appropriation and make final proof thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended, as long as said application is in good standing in said State Engineer's office, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application according to its priority of right and the priority of rights fixed herein;

And, upon and after the completion of said appropriation, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer, according to the priority of right of said certificate and the priority of rights fixed herein;

Provided, however, that the priority and quantity of this appropriation is conditioned upon compliance with the terms of the application upon which said appropriation is based, to-wit: Application No. 944 A filed in the office of the State Engineer of Utah, and the same is subject to the provisions of the laws of the State of Utah governing the issuance of certificates of completion of appropriation by said State Engineer.

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TWENTIETH CLASS RIGHT.

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Washington Irrigation Company:

That the waters under application to the State Engineer of the State of Utah, numbers 2812 and 2813, bearing date of November 12, 1909, are herein denominated Twentieth (20th) Class, and

That the defendant Washington Irrigation Company, under application to the State Engineer of the State of Utah, numbers 2812 and 2813, bearing dates of November 12, 1909, for 1000 acre feet of water, is entitled to said water and water right, and is entitled to complete said appropriations and make final proofs thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriations as the same may have been or may hereafter be extended, as long as said applications are in good standing in said State Engineer's office, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under said applications according to their priority of right and the priority of rights fixed herein;

And, upon and after the completion of said appropriations, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under the terms of the certificates of completion of appropriations issued by the said State Engineer, according to the priority of rights of said certificates and the priority of rights fixed herein;

Provided, however, that the priority and quantity of these appropriations is conditioned upon compliance with the terms of the applications upon which each respective appropriation is based, to-wit: Applications numbers 2812 and 2813 filed in the office of the State Engineer of Utah, and the same are subject to the provisions of the laws of the State of Utah, governing the issuance of certificates of completion of appropriation by said State Engineer.

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W A S A T C H      D I V I S I O N,  
P O W E R      R I G H T S.

- 110 -

The waters of Provo River and its tributaries appropriated by the defendants and their predecessors in interest, for the generation of power, in the Wasatch Division, which each of said parties are the owners of the right to the use, from January 1st to December 31st of each and every year, and herein denominated "Wasatch Division Power Rights" are as follows:

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Utah Power & Light Company:

- (a) The defendant the Utah Power & Light Company, under application to the State Engineer of the State of Utah, number 3097, bearing date of April 1, 1910, for 25 second feet of water for power purposes, from Snake Creek and Lavina Creek, the same being tributaries of Provo River, and having completed said appropriation and made final proof thereof and received from the said State Engineer on the 14th day of April 1916, the certificate of completion of appropriation for 25 second feet of water, is awarded said 25 second feet of water or such portion thereof as may be available from year to year and time to time under the terms of the said certificate of completion of appropriation.
- (b) The said defendant the Utah Power & Light Company, under application to the State Engineer of the State of Utah, number 3621, bearing date of November 21, 1910, for 200 second feet of water for power purposes, from Provo River, and having completed said appropriation and made final proof thereof and received from the said State Engineer on the 11th day of November, 1916, the certificate of completion of appropriation for 180 second feet of water, is awarded said 180 second feet of water or such portion thereof as may be available from year to year and time to time under the terms of the said certificate of completion of appropriation.

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Neils J. Johnson:

The defendant Neils J. Johnson, is awarded the right to the use of the waters of the springs commonly called and known as the Burcumshaw Springs and sufficient of the waters of the Provo River to aggregate 15 second feet, or such portion thereof as may be available from year to year and time to time; the same to be used for the generation of power at that certain Flour Mill known as the Peoples Roller Mill, situate on lands owned by said defendant in section 35, township 3 south, range 4 east, Salt Lake Meridian, after said use the said waters are to be returned to Provo River above the intake of what is known as the Island Ditch.

Joseph R. Murdock:

The defendant Joseph R. Murdock, is awarded the right to the use of 50 second feet of the waters of Provo River, or such portion thereof as may be available from year to year and time to time, the same to be used for the generation of power, to be diverted through the Charleston Irrigation Company's lower canal as now located, and conveyed by means of said canal and a headrace leading therefrom to the power site of said defendant, situated near the section line between section 11 and 14, township 4 south, range 4 east, Salt Lake Meridian, after said use the said water to be returned to Provo River near said power site.

-114-

Heber City, a municipal corporation,  
Midway Town Corporation, and  
Town of Charleston:

The defendants Heber City, a municipal corporation, Midway Town Corporation, and Town of Charleston, doing business under the firm name of Heber Light & Power Plant, as assignee and successor in interest of Abram Hatch, under application to the State Engineer of the State of Utah, number 1564, bearing date of September 18, 1907, for 150 second feet of water for power purposes, from Provo River, and having completed said appropriation and made final proof thereof and received from the said State Engineer on the 6th day of September 1913, the certificate of completion of appropriation for 150 second feet of water, is awarded said 150 second feet of water or such portion thereof as may be available from year to year and time to time under the terms of the said certificate of completion of appropriation.

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Joseph Hatch, Minnesota A. Dodds,  
Lacy H. Farnsworth, Abram C. Hatch,  
and Jane H. Turner:

The defendants Joseph Hatch, Minnesota A. Dodds, Lacy H. Farnsworth, Abram C. Hatch, and Jane H. Turner, successors in interest to Abram Hatch, deceased, and substituted for Ruth Hatch and A. C. Hatch, administrators of the estate of Abram Hatch, deceased, are awarded the use of 18.40 second feet of the waters of Provo River, to be diverted and conveyed through the canal of the Wasatch Irrigation Company, and to be used for the generation of power to operate that certain Flour Mill, situated in the northwest quarter of section 4, township 4 south, range 5 east, Salt Lake Base and Meridian, after said use the said waters are to be returned to the said canal of the Wasatch Irrigation Company.

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The "Wasatch Division Power Rights" as aforesaid, use for the generation of power waters that are thereafter diverted and used for irrigation and other beneficial purposes, and that such use by said defendants for the generation of power is an additional use of waters hereinbefore denominated and found to parties hereto for irrigation and other beneficial purposes, and such use by said defendants for the generation of power is subject to, and shall not interfere with the use of said water for the purposes of irrigation as hereinbefore designated, and

All of such waters used by the said defendants for the generation of power, must be so used as to not substantially interfere with the natural flow of such water and thus cause substantial fluctuations in the flow thereof, and said defendants must use such water without substantial diminution in quantity or any deterioration in quality.

GENERAL PROVISIONS CONCERNING  
RIGHTS AND ADMINISTRATION.

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It is further ordered, adjudged and decreed, that for the purpose of maintaining the volume of flow of Provo River available for use of the parties, and to maintain to the parties hereto the respective rights herein awarded and decreed, none of the parties shall change the place of use of said water so as to cause the seepage or drainage therefrom to be diverted away from the channel of said river, or canals, or from the lands heretofore irrigated thereby.

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It is further ordered, adjudged and decreed, that the storage waters, the Ontario Drain Tunnel waters, and the waters diverted from the Weber River watershed, turned into and comingled with the waters of Provo River, shall bear each its respective loss by evaporation and seepage, and shall bear each its respective proportion of the cost of distribution and administration of the orders of the Court and the Decree herein, and;

The final determination and fixing of the quantity of water that should be deducted for loss in transmission of the stored waters, the Ontario Drain Tunnel waters, and the waters diverted from the Weber River watershed, turned into and comingled with the waters of the Provo River, is postponed until such time as observations and measurements will enable the Court to fix the same with reasonable certainty. The Court will therefore retain jurisdiction of this case for that purpose and at some future time, upon application of any party interested therein, will hear such evidence as may be available, and determine the amount of loss in transmission of such water. Pending such hearing and determination there may be deducted from the stored waters, four per cent of their volume, for loss by evaporation and seepage.

That the Commissioner shall determine, when practicable, the quantity of loss by evaporation and seepage, of the waters in this paragraph referred to.

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It is further ordered, adjudged and decreed, that excepting storage waters, Ontario Drain Tunnel waters, waters diverted from the Weber River watershed, the waters used for the generation of power in the Wasatch Division, and denominated "Wasatch Division Power Rights", the waters used for the generation of power in the Provo Division by the Utah Power & Light Company, the waters of the Midway Waterworks Company, and the waters for domestic and municipal uses of Provo City as set out in subdivision (e) paragraph 4; whenever the quantity of water is insufficient to supply a class, then the persons and parties entitled thereto shall have the same distributed to them pro rata according to the quantities to which they are entitled in said class.

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It is further ordered, adjudged and decreed, that except as to storage waters, the Ontario Drain Tunnel waters, and the waters diverted from the Weber River watershed, the parties herein named are entitled to the right to the use of the waters of said Provo River in the classes in which they are named in each of said divisions, and no class or party in said class shall use any of such water so long as the water flowing in said river and the canals is insufficient to supply the preceding classes with the quantities of water to which they are entitled as hereinbefore stated.

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It is further ordered, adjudged and decreed, that the plaintiff and the defendants having the right to store water in their several reservoirs, as hereinbefore stated, have the right to release said waters in the quantities and at such times as they may elect, and to comingle the same with the waters of Provo River, and then be taken out less the losses by evaporation and seepage.

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- (a) It is further ordered, adjudged and decreed, that, the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, and Sixteenth Classes in the First and Second Districts of the Wasatch Division shall receive their whole supply, when available and present, in said classes as hereinbefore stated, before other rights.
- (b) That in the period of May 15th to August 10th of any year, the Seventeenth Class in the First and Second Districts of the Wasatch Division shall receive their whole quantity in said class, as hereinbefore stated, before the rights in the Provo Division and the Third District of the Wasatch Division.
- (c) Whenever, between May 1st and June 25th of any year, the quantity of water in said river and the canals of the parties hereto, in the First and Second Districts of the Wasatch Division is insufficient to supply the two districts, above named, with the full quantity of the waters denominated as the Seventeenth Class, the said First District shall have the right to its full quantity of said Seventeenth Class, before the said Second District.
- (d) That, the First Class in the Third District of the Wasatch Division, shall receive their whole quantity in said class, as hereinbefore stated, before the rights in the Provo Division.
- (e) That the defendants hereto, in the Provo Division, shall receive their whole quantity, as hereinbefore stated, and the plaintiff shall receive one second foot of water per seventy acres of land, before the Seventeenth Class of the Third District of the Wasatch Division.
- (f) That in the period of May 1st to May 15th in any year, the defendants in the Provo Division and the First Class Rights in the Third District of the Wasatch Division, shall receive their whole quantity, as hereinbefore stated, and the plaintiff shall receive one second foot of water per seventy acres of land, before the Seventeenth Class of the First and Second Districts of the Wasatch Division.

(a) It is further ordered, adjudged and decreed, that for the purpose of equitably dividing and distributing the waters of said river so that the parties may receive for use the quantities of water hereinbefore specified and to which they are entitled, awarded and decreed, at the heads of their distributing laterals the quantity and volume of the canals and ditches that carry one irrigating stream, and as such is a distributing lateral, shall be determined and ascertained by weirs or other proper measuring devices located above and as near as practicable the place where the first user of water diverts from said canal or ditch.

(b) And for the purpose of equitably dividing and distributing the waters of said river so that the parties may receive for use the quantities of water hereinbefore specified and to which they are entitled at the heads of the distributing laterals the quantity and volume of the canals shall be determined and ascertained by weirs or other proper measuring devices located above the place where the first user of water diverts from said canal and weirs or other proper measuring devices located in and near the heads of the distributing laterals. The quantity of loss or gain between the main station on the canal and the heads of the distributing laterals shall be determined by the Commissioner with the system in good working order and repair and in such condition as will reduce the losses to the lowest quantity practicable.

Where the flow in the canal is diminished by conditions that cannot be reasonably avoided, between the main station on the canal and the heads of the distributing laterals, the quantity at the main station on the canal shall be such that the quantity to which the parties are entitled as hereinbefore specified will be delivered to them at the heads of the distributing laterals.

In case the flow of a canal is increased, such increase shall be counted as a part of its respective quantity, and the quantity at the main station on the canal shall be such that the quantity to which the parties are entitled as hereinbefore specified will be delivered to them at the heads of the distributing laterals.

Only the quantity of increase that is available to the lands of a canal system as determined by the Commissioner shall be counted as part of the quantity of increase as herein provided. The allowable losses shall include only the actual, reasonable, unavoidable transmission losses, and shall extend over the section of the canal that carries more than one irrigating stream continuously.

It is further ordered, adjudged and decreed, that all persons and corporations, parties to this action, shall respectively construct or cause to be constructed at their own expense and under the direction and supervision of the water Commissioner appointed by the Court proper appliances for the diversion and accurate measurement of the waters awarded to them respectively; and thereafter shall maintain and keep in place all dams, head-gates, flumes, canals and other means by which water is diverted, conveyed or used, in a good state of repair, together with appliances for the diversion and measurement of said water; to the end that no unnecessary loss from seepage or leakage shall occur, and that the water shall be economically applied to the use for which it is awarded.

It is further ordered, adjudged and decreed, that all the rights declared and decreed herein are founded upon appropriation of water necessary for some beneficial use, and all such rights are subject in their exercise to the conditions that they are required and necessary for beneficial uses and all such rights are expressly subject to the limitations and conditions that all of such water is used for some beneficial purpose and is used economically, without waste, and with due care, and is reasonably and fairly necessary for such use.

That all the rights declared and decreed herein, founded upon appropriation of water by application to the State Engineer of the State of Utah, are subject in their exercise and conditioned upon compliance with the terms of the application upon which each respective appropriation is based and upon compliance with the provisions of the laws of the State of Utah relating thereto, and, further, each is subject to the provisions of the laws of the State of Utah governing the issuance of certificates of completion of appropriation by said State Engineer, and are expressly subject to the limitations and conditions as contained in the application and as the same may be further defined in the certificate of completion of appropriation.

That all the rights declared and decreed herein, are awarded for the beneficial uses specified, and none of the parties hereto, or their successors in interest, whether heirs, executors, administrators, successors or assigns, shall divert any of the waters of said Provo River, or any of its tributaries, except for beneficial use, and whenever such use has ceased such party or parties shall cease to divert, and have no right to divert, the said waters, or any part thereof, and each and all of the parties hereto, their servants, attorneys, employees, and successors in interest, as aforesaid, are forever enjoined and restrained from any and all interference with or diversion or use of the said waters, except in the manner, and to the extent, and for the purposes, provided herein, whenever such interference or use would in any manner or at all interfere with the diversion or use of the water awarded herein to any of the other parties to this action.

That all the rights declared and decreed herein, for domestic and municipal uses and for the generation of power, are continuous throughout the year without limitation to time or season.

And that all the rights declared and decreed herein, for irrigation purposes, include the right to divert and use water for irrigation, culinary, domestic and agricultural purposes connected therewith. And such rights of diversion and use for culinary, and domestic purposes are continuous throughout the year, and are limited to the quantity reasonably necessary for said uses. And such rights of diversion and use for irrigation purposes is confined to the irrigation season of each year, and none of said parties shall divert or use any of said waters, (except for culinary and domestic purposes as hereinbefore provided,) during the non-irrigating season -- after the necessity for such use for irrigation purposes has ceased in the Autumn of each year and until it is necessary to use the same for irrigation purposes in the Spring of the year following. The Commissioner, herein provided for, shall enforce the provisions of this paragraph, particularly to restricting the quantity of diversion of water during the non-irrigating season in each year whenever such diversion will in any way or at all interfere with the use of said waters by the parties herein awarded water for the generation of power. And that any party to this action, his heirs, executors, administrators, successors and assigns, who is dissatisfied with the regulations or rules imposed by the said Commissioner, may apply to the Court, by written application and said application may be heard upon affidavits or oral testimony as the parties may elect, for a review thereof and an order of direction in the premises.

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It is further ordered, adjudged and decreed, that each and all of the parties to this action, and their successors in interest, whether heirs, executors, administrators, successors or assigns, and they, and each of their agents, servants, and employees, and all persons acting for them, or in their interest, are forever enjoined and restrained from in any manner, or at all, interfering one with the other in the full free and unrestricted use of the quantity of the waters of said river awarded to them, and from in any manner, or at all, interfering with the distribution of such waters, by the Commissioner. And each and all of them are likewise enjoined and restrained from in any manner or at all wasting water.

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It is further ordered, adjudged and decreed, that for the purpose of the proper distribution of the waters awarded herein, and for the accurate and equitable diversion and distribution of the same, among the parties entitled thereto, and for the purposes of carrying into effect this decree in all its details, this Court will hereafter appoint a Commissioner with full power and authority to measure, control, regulate and distribute the said waters among the parties to this action as herein awarded; and from time to time to construct or require to be constructed such dams, weirs and appliances as are necessary to the equitable and economical distribution thereof.

The said Commissioner shall use due diligence and discretion to give the parties hereto the maintenance and development of the Provo River, and shall use his discretionary authority to maintain and develop said river, and to advance and maintain the crop production that is dependent upon said river.

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It is further ordered, adjudged and decreed, that said Commissioner shall be appointed by this Court on the First Day of the April Term of the District Court, at Provo City, Utah County, Utah. He shall hold his office for the term of one year and until his successor shall have been appointed and qualified.

Said Commissioner shall receive such compensation as shall be fixed by the Court, at the time of his appointment, payable in quarterly installments by the Clerk of this Court from moneys deposited by the parties for that purpose, as hereinafter provided.

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It is further ordered, adjudged and decreed, that assistants to the Commissioner shall be employed by the Commissioner upon the approval of the Court, and shall receive compensation for the time employed in the same manner as provided for the Commissioner; and caretakers at the reservoirs shall be employed and shall be under the direction of the Commissioner and shall make reports from time to time to the Commissioner as directed by him. Such caretakers shall be paid in the same manner as provided for the compensation of the other assistants to the Commissioner, from money deposited by the owners of the reservoirs for that purpose.

It is further ordered, adjudged and decreed, that the basis of assessment to the respective parties for the expenses of administration shall be a fixed ratio annually, and the respective amounts due from each party are payable quarterly, and within ten days after receipt of notice of the amount thereof.

Upon failure to pay the same within ten days after notice thereof, said Commissioner is authorized to with-hold further distribution of waters to the users so in default until the same shall be paid.

It is further ordered, adjudged and decreed, that until the further order of the Court, the proportion of the total assessment to be borne by each of the respective parties using water for irrigation is to be fixed by the product of the area of land irrigated, multiplied by the length of the season of use, divided by the duty of water on the 15th day of July. The duty of water shall be determined by using the area of land and the volume of water. The length of the season of use to serve the purpose of the foregoing computation is fixed as follows: First Class Rights in the Wasatch Division, 130 days; Second to Seventeenth Class Rights, inclusive, 90 days; Class "A" Rights in the Provo Division, 165 days; Classes B, C, D, E, F, G, H, I, and J, in the Provo Division, and Classes Eighteen, Nineteen and Twenty, in the Wasatch Division, 60 days.

The assessment to the power users shall be as follows:

Utah Power & Light Company - - - - -	\$ 25.00	per month.
Heber City, Midway Town Corporation, and Town of Charleston, doing business under the firm name of Heber Light & Power Plant, - - - - -	\$ 5.00	" "
L. L. Donnon, power right, - - - - -	\$ 0.75	" "
Joseph R. Murdock, power right, - - - - -	\$ 1.50	" "
Neils J. Johnson, power right, - - - - -	\$ 0.55	" "
Joseph Hatch, Abram C. Hatch, Minnesota A. Dodds, Jane H. Turner, and Lacy H. Farnsworth, power right, - - - - -	\$ 0.75	" "

The assessment of Provo City for its power rights along the Factory Race, together with the Provo Pressed Brick Company for its Brick Plant power right, is to be fixed by the quantity of Class "A" water herein awarded to this use multiplied by 165; this product to be used in computing the assessments the same as the figures derived for the computation of the irrigation assessments, 1/5 of said assessment to be paid by the Provo Pressed Brick Company and 4/5 by Provo City.

The assessment of Provo City for its municipal water supply is to be fixed by the quantity of water actually flowing in its system at its Spring Dell weir in Provo Canyon on the 15th day of July, multiplied by 165. This product is to be used the same as provided for the power rights above. Since the flow of water on the date specified varies one year with another, the assessment for each year is to be fixed by the measurement made on the 15th day of July of that year.

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It is further ordered, adjudged and decreed, that the Commissioner is hereby directed to distribute the waters herein awarded in the most economical way to prevent waste. And if it shall appear that by combining the flow of a number of parties, and giving each of them an equivalent quantity with a proper sized irrigating stream for a period of time at reasonable intervals, commonly called the rotation system thereby effecting a saving of water and at the same time meeting the full necessities of the users, said Commissioner is directed to so distribute said water.

Any party may at any time petition this Court to modify or change the method of distribution of the quantity of water herein awarded upon written application to the Court, and said application may be heard upon affidavits or oral testimony as the parties may elect.

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It is further ordered, adjudged and decreed, that any party to this action or his successor in interest who is dissatisfied with any of the regulations, requirements, discretionary acts of control in the distribution, or orders of the Commissioner, may apply to the Court for a review thereof and for relief therefrom.

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It is further ordered, adjudged and decreed, that each party shall pay his costs and his witnesses. And that the costs for the preparation of Findings and Decree, and the costs of entering this Decree and all other Court costs, shall be paid by the parties hereto in the same ratio and in the same manner as provided for the payment of the Commissioner and the expense of distribution and administration as hereinbefore provided.

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It is further ordered, adjudged and decreed, that this Court retain jurisdiction of this cause for the following purposes:

- (a) To make corrections for clerical errors, inadvertences and omissions in the rights decreed, and this reservation of jurisdiction extends only for sixty days after the decree is entered.
- (b) To determine and fix the quantity of losses by evaporation and seepage of the stored waters, Ontario Drain Tunnel waters, waters diverted from the Weber River watershed, and such other waters as may be turned into and comingled with the waters of Provo River.
- (c) To determine and fix payments and assessments to be borne by each of the respective parties, their successors and assigns.
- (d) And, to appoint Commissioners and assistants and fix their compensation, as hereinbefore provided.

In all other respects the Decree shall be final:

This Court, however, at all times, retains jurisdiction of this case and the subject matter thereof and all the parties thereto, their successors and assigns, for the purpose of from time to time making such further orders, rules and regulations as are necessary for the regulation, control and distribution of said waters according to the terms of this Decree, and for the purpose of compelling by further decree or otherwise the construction of such improvements, dams, weirs, and appliances as may from time to time be found necessary or expedient for the proper carrying out of the terms of this Decree and for the equitable and economical distribution of said waters; and for the further purpose of compelling the payment of such sums by either or any or all of the parties hereto for the costs and expenses of improvements and the distribution of said waters, and the compensation of said Commissioner and assistants, as may by the Court seem just and equitable, and for the further purpose of carrying the terms and provisions of this Decree into full force and effect, and to punish the parties hereto, their officers, agents and employees, and their grantees and successors in interest, for any violations of the provisions thereof.

C. W. Morse,

Presiding Judge and Judge Pro Tem.

Dated this 2nd, day of May, A. D. 1921.